# TIGARD CITY COUNCIL MEETING

March 26, 2002 6:30 p.m.
TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



#### PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are <u>estimated</u>; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. <u>Business agenda items</u> can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

#### SEE ATTACHED AGENDA

# A G E N D A TIGARD CITY COUNCIL MEETING March 26, 2002

#### 6:30 PM

- STUDY SESSION
  - > CITY ATTORNEY REVIEW
  - > UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES
  - PORTLAND POLICE DATA SYSTEM RENEWAL OF INTERGOVERNMENTAL AGREEMENT
  - > SELECT CITY MANAGER REVIEW FORMAT
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

#### 7:30 PM

- 1. BUSINESS MEETING
  - 1.1 Call to Order City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
- 2. VISITOR'S AGENDA (Two Minutes or Less, Please)

3.	CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:			
	3.1 3.2	Approve Council Minutes for January 22, 2002  Adopt a Resolution Initiating Vacation Proceedings to Vacate a Portion of Public Right-of-way on SW 68 <sup>th</sup> Parkway at the intersection of SW Atlanta Street (VACADO2 00001). Percentage No. 02		
	3.3	Street (VAC2002-00001) – Resolution No. 02 Approve Budget Amendment #8 to the Fiscal Year 2001-02 Budget to Appropriate a \$16,200 Oregon State Library Grant for the Hispanic Youth Initiative – Resolution No. 02		
	3.4	Approve Budget Amendment #9 to the Fiscal Year 2001-02 Budget to Add the Wall Street Project to the Approved Capital Improvement Program – Resolution No. 02		
	3.5	Adopt a Resolution Accepting an Additional \$390,000 in Priorities 2002 Federal Funding for the Greenburg Road Project — Resolution No. 02		
	3.6	<ul> <li>Local Contract Review Board</li> <li>a. Award the Contract for the Base Bid and Bid Alternate 1B for the Cook Park Master Plan Expansion Phase II Construction to Robert Gray Partners</li> <li>b. Award the Contract for the Construction of Fiscal Year 2001-02 Sewer Rehabilitation Program to Gelco Services, Inc.</li> </ul>		
	•	Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.		
4.	18.77 SECT	IC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTERS 75 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, ON 4 OF THE TIGARD COMPREHENSIVE PLAN PERTAINING TO TIVE LANDS AND WATER RESOURCES  Open Public Hearing Staff Report: Community Development Department Public Testimony Staff Recommendation Council Discussion Close Public Hearing Council Consideration: Ordinance No. 02 —		

- 5. CONSIDER AN INTERGOVERNMENTAL AGREEMENT REGARDING THE DURHAM QUARRY SITE
  - a. Staff Report: Community Development Staff
  - b. Council Discussion
  - c. Council Motion: Should Council approve the Intergovernmental Agreement regarding the Durham quarry site and authorize the Mayor to sign the agreement?
- 6. CONSIDER AN ORDINANCE SPREADING THE ASSESSMENTS AMONG THE BENEFITED PROPERTY OWNERS IN THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT
  - a. Staff Report: Engineering Staff
  - b. Council Discussion
  - c. Council Consideration: Ordinance No. 02 \_\_\_\_\_
- 7. ENGINEERING DEPARTMENT OVERVIEW
  - a. Staff Report: Engineering Staff
  - b. Council Discussion
- 8. CONSIDER A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.5 FOR THREE NON-PROFIT, LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING
  - a. Staff Report: Finance Staff
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 02 \_\_\_\_\_
- 9. COUNCIL LIAISON REPORTS
- 10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

#### 12. ADJOURNMENT

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### MEMORANDUM



TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: City Attorney Review - Study Session Item, March 26, 2002

DATE: March 13, 2002

As part of the City's budget process, a review of City Attorney services is scheduled for the study session of March 26, 2002. Council received background information for the March 26 discussion during the March 12 study session in a memorandum from Liz Newton.

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AGENDA ITEM#	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

Library Services.				
PREPARED BY: Margaret Barnes DEPT HEAD OK CITY MGR OK				
ISSUE BEFORE THE COUNCIL				
Additional discussion of the proposed local option levy for Washington County Cooperative Library Services (WCCLS) and the WCCLS Funding Formula.				
STAFF RECOMMENDATION				
The purpose of this presentation is to provide City Council information on the proposed local option levy and the funding formula.				

#### **INFORMATION SUMMARY**

Both in December 2001 and February 2002 staff presented information to the Council about the proposed \$50 million, five-year WCCLS local option levy. This levy would provide operational funding for WCCLS central services and the eleven public libraries that are members of WCCLS. At prior Council meetings, Council expressed some concern over the size of the levy, the criteria used to develop the levy amount and the level of funding proposed for WCCLS central services. These concerns are shared by other member cities.

The Finance Directors of those cities have met several times to clarify the issues about the proposed local option levy. They have suggested that the proposed levy be rate-based rather than dollar-based. The Cooperative Library Advisory Board (CLAB) is meeting throughout March to finalize the levy recommendation to forward to the County Board of Commissioners. The CLAB Formula Committee is also developing a new formula to determine the distribution of operational funds to the member cities.

Using the existing formula for distribution of operational funds, the Finance Department has analyzed the projected operational funding the City may receive if the levy passes. It found, that under the current formula, the City of Tigard would not receive sufficient operating funds for the library. As a result of this analysis, the WCCLS CLAB Formula Committee, Finance Directors and Library Directors are meeting to develop an alternate formula to resolve this issue.

Given the concerns expressed about the levy by a number of cities, the Finance Directors and Library Directors are meeting to determine and justify a levy rate.

At this time, staff is prepared to update the Council on this process.

	OTHER ALTERNATIVES CONSIDERED	
N/A		
	VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY	
N/A		
	ATTACHMENT LIST	
N/A		
	FISCAL NOTES	
N/A		

#### **MEMORANDUM**

TO: Mayor Jim Griffith

City Council

FROM: Ronald D. Goodpaster

Chief of Police

DATE: March 13, 2002

SUBJECT: Renewal of Intergovernmental Agreement - PPDS

Since 1997, Tigard Police Department has had an intergovernmental agreement with Portland Police Bureau allowing us to participate in and use the Portland Police Data System (PPDS), a records management system. The contract will expire on June 30, 2002. The new contract is attached for review.

As a participant in this regional records management system, information available to Tigard Police Department is much more extensive than that available through a single agency records system.

The cost has been \$1400 per month, and will be going to \$2480 per month. This reflects the extensive amount of information now available to us through this system.

If Tigard Police Department made the decision to develop and maintain an independent records management system, the cost would be much higher than the cost of participating in PPDS. Of equal importance, the qualtity of accurate and thorough data available would be considerably less. The limited amount of data would, in turn, result in much more time required of personnel to find information through research; and much information would not be available to the Police Department at all.

The contract renewal will be considered for approval by Council on April 9, 2002.

031302/memoppdsiga

# MINUTES TIGARD CITY COUNCIL BUSINESS MEETING January 22, 2002

#### STUDY SESSION

Study Session was called to order at 6:30 p.m.

Council members present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla.

- > 69<sup>th</sup> Avenue Local Improvement District Assessments are on this Council agenda. City Manager Monahan gave a brief overview of this agenda item.
- > UPDATE ON RANDALL FUNDING AND DEVELOPMENT GRANT ASSISTANCE

Assistant to the City Manager Liz Newton reviewed this agenda item. A memorandum dated January 18, 2002, from Ms. Newton to the Mayor and Council regarding the status of Randall Funding and Development Grant Activity is on file in the City Recorder's office. Ms. Newton noted that there is grant activity underway in the areas of library, transportation/engineering, police, community development/downtown and public works/parks/wetland enhancement.

Staff from the Randall Corporation will be coming to Tigard on Thursday, January 24, to meet with Ms. Newton to review grant-funding efforts. At this meeting, they will review all potential opportunities and city priorities for funding.

At this time it appears that many grants are becoming available for emergency preparedness.

- > CITY ATTORNEY REVIEW This agenda item moved to March 26, 2002
- > ADMINISTRATIVE ITEMS:
  - City Manager Monahan distributed some information with regard to the City Manager performance review.
  - City Manager Monahan distributed a draft 2001 goals achievement document. In addition, draft 2002 goals were also distributed. He noted

that Goal No. 6 for 2002 was changed to indicate that the Council would *individually* support the library construction bond measure. Councilor Scheckla noted he would like the downtown goal to include consideration of establishing a public restroom. Council will review the draft goals and forward comments to the City Manager by February 1.

• With regard to the 69<sup>th</sup> Avenue LID, City Engineer Duenas and City Manager Monahan outlined the process. Mr. Monahan reviewed the activities to date including the neighborhood meeting. Information previously distributed to the Council on this matter was reviewed briefly. The purpose of the resolution before Council was to take the step necessary before the public hearing could be held regarding any objections to the assessments. City Engineer Duenas recommended that the City Council proceed with the proposed assessment and approve the resolution.

In response to a question from Councilor Dirksen, City Engineer Duenas noted that the property in this area is more valuable for the benefited properties. There was lengthy discussion on how the property owners were affected, especially the residential property owners. The City has contributed about \$200,000 to reduce the assessment.

The public hearing on this matter is tentatively scheduled for February 12. The Council has the right to change the method of assessment after the public hearing.

There was discussion on the \$105,000 amount that is owed to the City by a property owner as a result of a court ruling on a matter in this LID area. The City is in the process of collecting these funds.

- Mayor Griffith noted that the Olympic Torch Run came through the City of Tigard today. He presented to Council a crystal Coca-Cola bottle given to him in commemoration of Tigard's participation in the Run. He referred to the activities surrounding the Torch Run including television coverage from Channel 12. The Council applauded the efforts of the Police Department. City Recorder Wheatley noted that Sergeant Karl Kaufman did a fantastic job in planning and providing a police escort for the Torch Run.
- EXECUTIVE SESSION: Canceled. (Note: Labor Relations and Litigation issues that were to be discussed this evening were set over for discussion on February 12, 2002.)

> A motion was proposed for Council consideration for Agenda Item No. 7 regarding Tigard's involvement in the regional drinking water proposal. The exact cost of Tigard's participation in the planning phase is not known at this time because it is not certain as to how many agencies will be participating. The motion was considered by Council during the Business Meeting (Agenda Item No. 7).

#### 1. BUSINESS MEETING

- 1.1 Call to Order City Council & Local Contract Review Board Mayor Griffith called the meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None
- 2. VISITOR'S AGENDA: None
- 3. CONSENT AGENDA: Motion by Councilor Dirksen, seconded by Councilor Scheckla, to approve the Consent Agenda as follows:
  - 3.1 Receive and File:
    - a. Council Goal Update
  - 3.2 Approve Budget Amendment #7 to the Fiscal Year 2001-02 Budget to Add One Half-time Position in the Library Administration Division – Resolution No. 02 - 04
  - 3.3 Appoint Jeffrey Lawton to the Library Board Resolution No. 02 05

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

- 4. RECOGNITION OF JOHN OLSEN, STEVEN TOPP, AND NICK WILSON FOR THEIR SERVICE ON THE PLANNING COMMISSION
  - Mayor Griffith noted appreciation on behalf of the City of Tigard to John Olsen, Steven Topp, and Nick Wilson for their services on the Planning Commission.

# 5. INTRODUCE JEFFREY LAWTON AS NEWLY APPOINTED LIBRARY BOARD MEMBER

 Mayor Griffith advised that Jeffrey Lawton was the newly appointed Library Board member. Mr. Lawton was present and was introduced to the City Council.

# 6. RECEIVE SAIF CORPORATION'S CERTIFICATE OF RECOGNITION FOR TIGARD'S RISK MANAGEMENT PROGRAM

 Risk Manager Loreen Mills was present. The City of Tigard's Risk Management Program was recognized by SAIF, the City Worker's Comp carrier, for excellence. The City has been successful in reducing injuries and losses by effectively managing the risks of doing business. A copy of the staff report and the certificate of recognition are on file in the City Recorder's office.

# 7. TIGARD'S INVOLVEMENT IN PORTLAND REGIONAL DRINKING WATER PROPOSAL

- Public Works Director Wegner was present and introduced this agenda item. A
  copy of the staff report is on file in the City Recorder's office. Mr. Wegner noted
  that the staff recommends that the City continue to work with the City of Portland
  and other agencies for planning of the regional drinking water supply and initiative
  process. This matter was discussed with the Council and the Intergovernmental
  Water Agency previously.
- Councilor Patton noted that the regional drinking water initiative was worthwhile and recommended the continued participation by the City of Tigard as the City continues to look future water supplies from Bull Run/Columbia Wellfields, through a wholesale contract with the City of Portland, and a possible partnership with the Joint Water Commission.
- Motion by Councilor Moore, seconded by Councilor Dirksen to approve the staff's recommendation that the City of Tigard, representing the combined service areas of King City, Durham, Tigard, and portions of the unincorporated area of Washington County elect to continue participation in the detailed implementation planning phase of the Regional Drinking Water Supply Initiative process, subject to the conditions outlined at the work session on January 15, 2002. The City Council authorizes Councilor Joyce Patton and staff to negotiate the Joint Funding Agreement with our local share not to exceed \$25,000.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

Note: Agenda Item Nos. 8, 9 and 10 were combined as one item for the staff report.

The Finance Director overviewed these agenda items. Copies of the staff reports on these items are on file in the City Recorder's office.

After brief discussion, the Council considered the proposed ordinances.

8. CONSIDER AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE PERTAINING TO FEES AND CHARGES AND UPDATING LANGUAGE STATING THAT FEES AND CHARGES BE SET BY RESOLUTION

ORDINANCE NO. 02-05 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODES 3.36.070, 5.04.160, 5.04.160, 5.04.173, 5.14.080, 7.70.030, 10.50.040, 11.04.060, 11.08.030, 11.08.060 AND 11.08.123 TO REMOVE REFERENCES TO FEES AND CHARGES AND UPDATE THE CODE LANGUAGE TO STATE THAT FEES AND CHARGES SHALL BE SET BY RESOLUTION

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance No. 02-05.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

9. CONSIDER A RESOLUTION TO ADOPT A CITYWIDE FEES AND CHARGES SCHEDULE AND APPROVE ANNUAL PARK SYSTEM DEVELOPMENT CHARGE ADJUSTMENT

RESOLUTION NO. 02-06 – A RESOLUTION ADOPTING A CITYWIDE FEES AND CHARGES AND APPROVE ANNUAL PARK SYSTEM DEVELOPMENT CHARGE ADJUSTMENT

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-06.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

10. CONSIDER AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE TO GRANT THE CITY MANAGER AUTHORITY TO SET INTERIM FEES AND CHARGES

ORDINANCE NO. 02-06 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE 3.32 TO GRANT AUTHORITY TO THE CITY MANAGER TO SET INTERIM FEES AND CHARGES UNTIL A RESOLUTION CAN BE ADOPTED BY CITY COUNCIL

Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Ordinance No. 02-06.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

11. PUBLIC HEARING (QUASI-JUDICIAL) – ZONE CHANGE ANNEXATION (ZCA) 2001-00003 THORNWOOD ANNEXATION

REQUEST: The applicant is requesting to annex two (2) parcels of 8.6 acres into the City of Tigard. This request follows the approval of the Thornwood Subdivision (Case File No. SUB2000-00006), and is a requirement of that approval. LOCATION:

Washington County Tax Assessor's Map Number 2S110BC, Tax Lots 1100 and 1200. ZONE: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. APPLICABLE REVIEW CRITERIA: The approval standards for annexations are set out in Community Development Code Chapters 18.320.020 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Mayor Griffith opened the public hearing.
- b. Declarations or Challenges: Mayor Griffith read the following statements:
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? (None were reported.)
  - Have all members familiarized themselves with the application? (Council indicated they were familiar with the application.)
  - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? (There were no challenges.)
- c. Staff Report: Community Development Director Hendryx summarized the staff report, which is on file in the City Recorder's office. It was noted in the staff report that TCI was referenced as the cable provider; however, cable services are now offered by another provider and should be referenced correctly.
- d. Public Testimony

Mayor Griffith read the following statement:

For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

- Jay Harris, Harris McMonagle Associates, Inc. 12555 SW Hall Boulevard, Tigard, OR 97223, advised he represents the applicant for this annexation. Mr. Harris requested the annexation be approved as proposed in the staff report.
- e. Staff Recommendation was for approval.
- f. Mayor Griffith closed the public hearing.
- g. Motion by Councilor Dirksen, seconded by Councilor Scheckla, to adopt Ordinance No. 02-07.

ORDINANCE NO. 02-07 – AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-0003/THORNWOOD ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

(Agenda Item No. 13 was heard at this time.)

- 12. PUBLIC HEARING CONSIDER A RESOLUTION IMPLEMENTING THE WASHINGTON SQUARE REGIONAL CENTER PLAN, AND AN ORDINANCE AMENDING THE TIGARD COMPREHENSIVE PLAN AND MUNICIPAL CODE
  - a. Mayor Griffith opened the public hearing.
  - b. Declarations or Challenges

Mayor Griffith read the following statements:

- Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? (None reported.)
- Have all members familiarized themselves with the application? (All Council members indicated they were familiar with the application.)
- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

Dave Nadal, 3024 SW Florida Court, No. D, Portland, OR 97219, said it was wrong to have the Tigard City Council plan for an area not inside the limits of the City of Tigard.

Community Development Director Hendryx advised that the Washington Square Regional Plan is a multi-jurisdictional plan from Washington County and the Cities of Beaverton and Tigard. The City of Tigard is taking the lead on the plan with participation from the other two agencies. The decision rendered by the City of Tigard Council will affect only the property in the City of Tigard. In response to a question from Councilor Scheckla, Legal Counsel Corrigan advised that the City Council's job is to set policy as it was being asked to do in this matter.

c. Staff Report: Community Development Director Hendryx introduced this agenda item. In addition, Consultant John Spencer and Assistant Planner Julia Hajduk reviewed components of the staff report. Highlights of their presentations are contained in the PowerPoint slide copies that are on file in the City Recorder's office.

Councilor Scheckla brought up issues with regard to urban renewal and whether this was a viable funding option noting recent difficulties in the region with regard to urban renewal programs. Mr. Spencer noted that urban renewal would be reviewed to determine whether it was feasible for the area.

Carl Hosticka, Metro Presiding Officer, noted that the details of the Plan were a local decision. He reviewed the decision made a number of years ago to develop regional centers to avoid sprawl. The purposes of regional centers are to make efficient use of land and to minimize transportation impacts. The Washington Square area was designated as a regional center in the mid-1990's. He commented that the regional center plan for Washington Square had been thoroughly "hashed over." Mr. Hosticka noted that it was important to implement the plan correctly as the area develops and to preserve natural

resources. He said he sees this as an opportunity for a partnership between Metro and local governments.

Mr. Hosticka responded to a question from Councilor Scheckla with regard to reconsideration of some of Metro's growth projections for jobs and housing. Mr. Hosticka advised that the data pertaining to the urban growth boundary is reviewed every five years. Specific adjustments have not been made recently. A review is underway.

Council meeting recessed at 9 p.m. Council meeting reconvened at 9:13 p.m.

#### d. Public Testimony

Public testimony would be limited to three minutes per person. Mayor Griffith announced the following:

For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

#### - Proponents

- Forrest Soth, 4890 SW Menlo, Beaverton, OR 97005. Mr. Soth advised he sits on the Beaverton City Council. He referred to the project as a 20year plan and recommended implementation of the plan over the nest 20-25 years. Such a plan is beneficial for those who come into the area to know what they can and cannot do for development and redevelopment. Mr. Soth urged adoption.
- Jack Reardon, 8125 Connemara Terrace, Beaverton, OR 97008. Mr. Reardon advised he is general manager of Washington Square Shopping Center and a member of the Washington Square Regional Task Force. He advised the process was excellent and agreed with the premise of a regional center concept. He noted concerns that funding has not been addressed. Mr. Reardon recommended that the plan be adopted.

• Chuck Davis, 401 Wilshire Boulevard, No. 700, Santa Monica, CA 90401. Mr. Davis noted concerns with the urban renewal process and the need for some certainty than an urban renewal strategy could be put into effect, since this will affect the planning for the Washington Square area.

#### Opponents

- Bruce Warner, 8025 SW Elmwood Street, Tigard, OR 97223. Mr. Warner testified that he is opposed to the plan. He was concerned that funding would be required from the residents' "pockets." He noted that systems development charges were woefully below true costs and that the people who live in the area would pay more taxes. He said he did not see how wetlands could be protected. He said he did not think that State-planning goals had been addressed. In addition, he referred to stormwater drainage problems resulting from more paving. With regard to the proposal for additional jobs and a larger population that was being "pushed by Metro," he advised he did not see what benefits the people in the area would realize. He said he was concerned about preserving the quality of life in the neighborhood.
- Liz Callison, 6039 SW Knightsbridge Drive, Portland, OR 97219. Ms. Callison said she opposed implementation of the plan. She noted that the intention in the beginning was for the area to be connected by light rail. She reviewed the initial reasons for regional centers and town centers, but the projected growth has not been realized. She said that the proposed plan will destroy open space and create more flooding potential of Fanno Creek. She advised that the regional plan does not include policies for the protection of fish and wildlife and that the area already has significant problems. She also noted concerns with density.
- Dan Duffy, 9630 SW Eagle Court, Beaverton, OR 97008. Mr. Duffy advised that he is a resident of Fairway Park and is a single-family homeowner in an area already developed. He said this area has nothing in common with the Washington Square center. Mr. Duffy referred to notification problems and lack of citizen involvement for this neighborhood on this plan. He said the boundary to include his area was added late in the process to provide a link from the golf course to the rest of the properties.
- Trudy Knowles, 10430 SW 82<sup>nd</sup>, P. O. Box 230275, Tigard, OR 97281. Ms. Knowles advised has been a resident in the area for 27 years and presented a large sign that said "Keep Metzger Livable." Ms. Knowles noted concerns with the transportation plan calling for Hall Boulevard to be

increased to five lanes. She outlined her issues with impact on the creek and greenspaces. She said the financial burden would be on the taxpayer.

 Pat Whiting, 8122 SW Spruce, Tigard, OR testified as a member of the Washington Square Force (submitting a minority report) as well as the Vice-Chair of CPO 4-M. Ms. Whiting's comments are in writing and are on file in the City Recorder's office. She noted issues with statewide planning goals and requested that the record be kept open for seven days. Ms. Whiting outlined a number of concerns with the Washington Square Regional Plan and Code amendments.

There was Council discussion after Ms. Whiting concluded her remarks with regard to the statement that statewide land use goals had not been addressed. Councilor Patton commented and confirmed with the staff that these goals were addressed in the original regional center plan previously reviewed and approved by the City Council.

• Derek Becker, 9845 SW Eagle Lane, Beaverton, OR 97008. Mr. Becker entered into the record a petition signed by property owners of Fairway Park requesting to be exempted or removed from the redevelopment adopted or about to be adopted, known as the Washington Square Regional Plan. A copy of the petition is on file in the City Recorder's office. Mr. Becker cited issues with notice for the process for the consideration of the Washington Square area. He also noted that there were issues on the boundaries chosen and transportation impacts. Community Development Director Hendryx confirmed that there will also be a public hearing on this issue before the Washington County Board of Directors.

Councilor Scheckla commented on transportation and specifically referred to commuter rail that is being planned for the area. Community Development Director Hendryx described some "tool box" options that have been identified for traffic. Mr. Hendryx noted that each jurisdiction (Tigard, Washington County and Beaverton) have a separate component to deal with concerning this Plan. Each component and its issues are slightly different. Mr. Hendryx referred to the timeline for review of the Plan for both Beaverton and Washington County.

Mr. Becker stated that many points of the plan were useful, but he found the benefits to be for businesses to the detriment of homeowners in the area

- Steve Schopp, 10475 SW Helenius Road, Tualatin, OR 97062. Mr. Schopp advised that he did not think staff was persuasive with regard to proceeding to implement the Plan. He advised he thought the Washington Square Implementation Plan had a predetermined outcome. He argued that adding jobs and density did not protect livability and referred to the stated purpose of the regional center was to protect livability. He referenced statewide goals and advised that the Plan does not meet those. In addition he questioned whether there would be financing to implement the Plan and whether it would be expected to be funded by taxpayers in the area. He noted recent issues regarding urban renewal and ramifications of Measure 5. He advised that the Metro 2040 Plan promotes uncontrolled growth.
- Craig Flynn, 10248 NE Fargo Court, Portland, OR 97220. Mr. Flynn referred to concerns about neighborhood preservation. He also questioned urban renewal and said that the dollars could be used for other needs such as police and libraries. He noted issues with transportation and the need for more road capacity if the density is increased.
- Dave Nadal, 3024 SW Florida Court, Portland, OR 97219. Mr. Nadal noted concerns about the regional outlook, which should be promoted by Metro through the 2040 program. He talked about density and rapid growth that does not keep up with infrastructure. He said he would prefer to see a moderated-growth program. Mr. Nadal referred to several incorrect assumptions. He said that it has been suggested that mixed-use areas would represent the same growth potential as the land is currently zoned. The difference was that the land would now be marketed. In addition, he said that the Plan represents an auto-oriented program evidenced by the proposal to widen Hall Boulevard.
- Gretchen Randolph, 6690 SW Ventura Drive, Tigard, OR 97223. Ms. Randolph cited several fatal flaws within the Washington Square Implementation Plan and urged the Council to vote against it. She noted that the City does not have the dollars to implement the program, which in essence is condemning the neighborhood to deterioration because of the length of time it will take to implement the program. The neighborhoods will not realize profits from the plan only the problems. She noted adverse impacts to police, fire and school services. She said she has lived in the area for 22 years,

and over those years she has noted the "torrent of water" gets larger every year. She cited the need for wetlands. Her preference would be that the City leave the wetlands and neighborhoods intact.

Jill Tellez, 9280 SW 80<sup>th</sup> Avenue, Portland, OR 97223. Ms. Tellez submitted written testimony, which is on file in the City Recorder's office. She noted her concerns with mixed-use zoning, office vacancy rates, and the establishment of an urban renewal district. She questioned how this plan could be for the public good. She said the people in the area will not realize enhanced values. She advised that the Plan would open doors for litigious action. She said the Plan was reckless and not safe. The proposal calls for "kicking out" current residents for higher density.

#### Neutral

• Michael Neunzert, 9221 SW Lehman Street, Tigard, OR97223. Mr. Neunzert advised that the Washington Square Plan is better than the absence of a plan. He supported the process that was undertaken to develop the Plan. He advised of items that he thought were critical: 1) timing of zoning and infrastructure changes and 2) resolving inter-jurisdictional issues of stakeholders. He was concerned about the lag time to develop the infrastructure (a long-term process), which was also expensive. He said that identifying funding options does not assure that it will happen. He said that Tigard has leverage with Metro as long as the Plan is in a hold status with regard to implementation.

#### (Opponents cont.)

- Bob Ward, 7162 SW Barbara Lane, Tigard, OR 97223. Mr. Ward said he became aware of this item just this evening. He noted that this process should have been more visible to the public. He cited concerns with density and protested any increase in density. He said he moved to the area because of the livability it represented. He referred to his disagreement to the decisions made in the past by elected officials including the actions by Metro.
- Donna Nesbitt, 8900 SW Birch, Tigard, OR 97223. Ms. Nesbitt advised she has lived in the Metzger area for 37 years. She noted the three proponents who testified earlier were not Tigard residents. She outlined issues with the Plan including cutting down trees, pollution, and overcrowded schools. She said that multi-family

dwellings would not produce the same level of taxes as single-family homes. She noted concerns with lack of parks and open spaces. In addition, she said wildlife in the area would be adversely affected. Ms. Nesbitt advised that the area is in a earthquake zone. She itemized transportation issues along with speeding cars. She said there were too many negatives associated with this Plan and hoped that the City Council would vote it down.

• Jerry Ward, 7409 SW Fulton Park Boulevard, Portland, OR 97209. Mr. Ward noted that there was a fatal flaw in that the population in the area was the same as the City of McMinnville and that the transportation problems would become worse. He did not think the Plan would work. He said the transportation remedies outlined in the Plan were "close to ridiculous." He advised he believed the Plan was in violation of Goal 1.

#### (Additional Proponent)

Dr. Gene Davis, 10875 SW Spruce, Tigard, OR 97223. Mr. Davis noted that he was on the Washington Square Task Force and was commenting in favor of the plan. He referred to traffic issues and that Hall Boulevard would need to be widened. He said he owns property in the area and the City has been "dumping all kinds of groundwater" onto his property, which produces wetlands. He said storm drainage needs to be addressed in a better way.

In response to a question from Councilor Scheckla about Mr. Davis' concern about the stormwater drainage, Community Development Director Hendryx indicated that he would have staff research this issue.

#### - Rebuttal

 Community Development Director Hendryx, in response to issues raised during the testimony commented on the public involvement process. There has been a public outreach program along with individual notification to 2200 property owners (sent out two months ago). Articles appeared in the Tigard Times.

With regard to statewide goals, Council has a memorandum in its packet materials advising that all statewide goals were addressed. Council will need to determine whether the record should be left open for seven days.

Mr. Hendryx referred to the density issues raised during the public testimony. The Code does not specify an upper limit of units per acre. However, conditions of development (parking and development standards) would limit the number of units that could be placed on a parcel.

Mr. John Spencer also commented on density and how development could occur. At this time, it is recommended that Hall Boulevard be three lanes, with the possibility of developing to five lanes. Before Hall Boulevard can be expanded to five lanes, right-of-way would need to be acquired. In response to some of the urban renewal questions, the urban renewal boundaries do not need to be the same as the entire boundary of the area identified in the Plan. This means that one or two jurisdictions might have urban renewal identified to finance part of the Plan, while the other jurisdiction might not.

With regard to school issues, the School District Facilities Manager was a member of the Task Force. The Plan does not specifically discuss school capacity. It is anticipated that the residential population added in the regional center would have a lower-than-average number of children per household. The School District is reviewing the Metzger Elementary School for possible rebuild.

Council meeting recessed at 10:55 p.m. Council meeting reconvened at 11:05 p.m.

Legal Counsel Corrigan said it was allowable to leave the record open for seven days, with a deadline date set.

- e. Staff Recommendation: Community Development Director Hendryx said the staff recommended approval of the proposed ordinance and resolution as submitted in the Council packet.
- f. Record/Council Discussion

After discussion, it was determined that written testimony would be allowed until 5 p.m. January 29, 2002.

- g. Mayor Griffith closed the public hearing.
- h. Setting Item to Date Certain

Motion by Councilor Scheckla, seconded by Councilor Moore, to carry this agenda item forward to February 26, 2002, and to hold the record open to receive written testimony until one week from today.

Agenda Item No. 14 was considered next.

# 13. PRELIMINARY EVALUATION OF WALL STREET LOCAL IMPROVEMENT DISTRICT

- City Engineer Gus Duenas presented a staff report and a PowerPoint presentation on this agenda item. These materials are on file in the City Recorder's office.
- The Council issue to consider was whether to proceed with the process to form a Local Improvement District (LID) for design and construction of the Wall Street Extension from Hunziker Street to Hall Boulevard.

The extension of Wall Street from Hunziker Street to Hall Boulevard is identified in Tigard's recently adopted Transportation System Plan. An option agreement executed to purchase property for a proposed Tigard library requires the City to pursue formation of an LID for construction of this street. The property owners in the area, at this point, are in favor of the LID.

City Engineer Duenas noted that Goal 5 regulations could become more restrictive, thus, making it advantageous to proceed with the project at this time. There was discussion about the possibility of purchasing additional right-of-way adjacent to the property under review. The pros and cons of doing this are being studied. Councilor Patton noted that this could represent a key route to reduce congestion on all and thereby relieving the need for making Hall Boulevard wider than three lanes.

Councilor Dirksen noted his agreement with Councilor Patton's comments and said there is a need for an alternate north/south route to relieve congestion on 99W. Consensus of Council was to direct staff to continue to work toward the next step in the LID formation process.

# 14. CONSIDER A RESOLUTION APPROVING THE ASSESSMENTS FOR THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT

• City Engineer Duenas reviewed the staff report, which is on file in the City Recorder's office. The proposed resolution would direct staff to schedule a public hearing to consider any objections to the proposed assessments.

• Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-07.

RESOLUTION NO. 02-07 – A RESOLUTION APPROVING THE METHODS OF ASSESSMENT AND PROPOSED ASSESSMENTS TO BENEFITED PROPERTY OWNERS IN THE  $69^{TH}$  AVENUE LOCAL IMPROVEMENT, DIRECTING THAT NOTICE OF THE PROPOSED ASSESSMENTS BE GIVEN TO EACH PROPERTY OWNER, AND DIRECTING THAT A PUBLIC HEARING BE HELD TO CONSIDER OBJECTIONS.

The motion was a	pproved by a	majority vote of	Council present:
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Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - No

- 15. COUNCIL LIAISON REPORTS: None
- 16. NON AGENDA ITEMS: None
- 17. ADJOURNMENT: 11:20 p.m.

Attest:	Catherine Wheatley, City Recorder		
Attest.			
Mayor, City of Tigard	<u>.</u>		
Date:			
I:\ADM\CATHY\CCM\020122.DOC			

AGENDA ITEM #	
FOR AGENDA OF March 2	26, 2002

### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: 68 <sup>th</sup> Parkway @ Atlanta Street Public Right-of-Way Vacation (VAC2002-00001)
PREPARED BY: Mathew Scheidegger DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the City Council initiate the vacation proceedings for an approximately 1,915 square foot portion of public right-of-way commonly known as SW 68th Parkway?
STAFF RECOMMENDATION
It is recommended that Council initiate vacation proceedings by adopting the attached Resolution which sets a formal public hearing date on the vacation for May 28, 2002.
INFORMATION SUMMARY
In the City vacation process of streets, easements and other public dedicated areas, the City Council begins the process by passing a Resolution to schedule a formal public hearing to consider such requests.
AKS Engineering & Forestry, the agent for the adjacent property owner Malcolm Eslinger, is requesting that the City Council initiate vacation proceedings for a portion of SW 68th Parkway at SW Atlanta Street. Their request is outlined in Attachment #2. In summary, this will make it easier for the owner of the adjacent parcel to the west (Eslinger) to develop according to the Tigard Triangle Design Standards. However, a public storm line lies within the northeast corner of the public right-of-way to be vacated. A public storm water easement will be granted to the City concurrently with the right-of-way vacation, that will encompass approximately 7.5 feet on both sides of the existing stormpipe. The right-of-way width is currently 70 feet from centerline at the intersection of SW 68th Parkway and SW Atlanta Street. The Tigard Triangle standard width for SW 68th Parkway is approximatly 35 feet from centerline. Therefore, the requested vacation would meet the right-of-way width standards for the Tigard Triangle except for a 37.5 square foot portion of the Eslinger property which has been proposed by the applicant to be dedicated to the City as part of this vacation. Appropriate agencies shall be contacted for their comments prior to developing a report for Council consideration.
OTHER ALTERNATIVES CONSIDERED
Take no action at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

## ATTACHMENT LIST

Attachments: Attachment 1 – (Resolution Initiating the Vacation including exhibits)

Attachment 2 – (Letter Requesting Initiation of the Vacation)

### FISCAL NOTES

There are no direct fiscal impacts as a result of this request as all fees have been paid by the applicant.

### Attachment 1

#### CITY OF TIGARD, OREGON

#### RESOLUTION NO. 02-

A RESOLUTION INITIATING VACATION PROCEEDINGS TO VACATE AN APPROXIMATELY 1,915 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY ON SW 68TH PARKWAY AT THE INTERSECTION OF SW ATLANTA STREET (VAC2002-00001).

WHEREAS, the approximately 1,915 square foot portion of the road had previously been dedicated to the public; and

WHEREAS, the applicant has requested that the City of Tigard initiate Vacation proceedings to vacate an approximately 1,915 square foot portion of public right-of-way, as described in Exhibit "A" and shown in Exhibit "B" and "C" better known as SW 68th Parkway; and

WHEREAS, the said portion of public right-of-way may no longer be necessary; and

WHEREAS, a public storm water easement will be granted to the City of Tigard concurrently with the right-of-way vacation for the public storm line, which lies within the northeast corner of the public right-of-way to be vacated as described in Exhibit "D" and shown in Exhibit "E"; and

WHEREAS, a 37.5 square foot portion of the adjoining property to the west will be dedicated to the City of Tigard in order to be consistant with the required 35 feet of right-of-way needed from the centerline of SW 68th Parkway for the Tigard Triangle; as described in Exhibit "F" and shown in Exhibit "G"; and

WHEREAS, the Tigard City Council finds it appropriate to initiate Vacation proceedings for the requested public right-of-way vacation.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby initiates a request for the vacation of an approximately 1,915

square foot portion of public right-of-way commonly know as SW 68th Parkway, as more particularly described in Exhibit "A" and Exhibit "B" and by reference, made a part hereof.

SECTION 2: A public hearing is hereby called to be held by the City Council on May 28, 2002, at 7:30 PM in

the Town Hall at Tigard City Hall, 13125 SW Hall Boulevard, within the City of Tigard, at which time and place the Council will hear any objections thereto and any interested person may

appear and be heard for or against the proposed vacation of said public right-of-way.

EFFECTIVE D	PATE: March 26,	2002		
PASSED:	This	day of	2002.	
ATTEST:			Mayor - City of Tigard	
City Recorder -	· City of Tigard			

**ENGINEERING** 

**PLANNING** 

13910 S.W. Galbreath Dr., Suite 100 Sherwood, OR 97140



SURVEYING

**FORESTRY** 

TELEPHONE (503) 925-8799 FAX (503) 925-8969 E-MAIL: aks@aks-eng.com

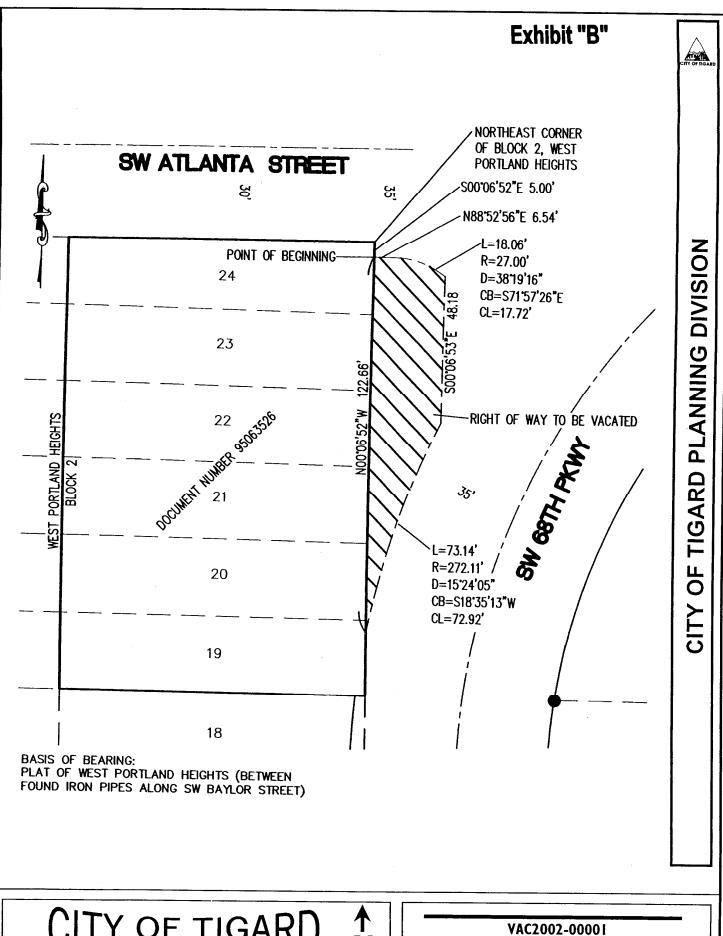
#### **EXHIBIT "A"**

### PUBLIC RIGHT-OF-WAY VACATION

A portion of the SW 68<sup>th</sup> Avenue public right-of-way located in the Southeast One-Quarter of Section 36, Township 1 South, Range 1 West, Willamette Meridian and in the City of Tigard, Washington County, Oregon, being more particularly described as follows:

Beginning at a point which is S00°06'52"E 5.00 feet, along the east line of Block 2, WEST PORTLAND HEIGTHS, from the Northeast corner of said Block; thence, N88°52'56"E 6.54 feet to a point; thence, along a non-tangent curve to the right with a radius of 27.00 feet, length of 18.06 feet, delta of 38°19'16", and long chord of S71°57'26"E 17.72 feet to a point; thence, S00°06'53"E 48.18 feet to a point; thence, along a tangent curve to the left, which lies parallel to and 35 feet from the centerline of SW 68<sup>th</sup> Avenue, and has a radius of 272.11 feet, length of 73.14 feet, delta of 15°24'05", and long chord of S18°35'13"W 72.92 feet to a point; thence, N00°06'52"W 122.26 feet along the east line of Block 2, WEST PORTLAND HEIGHTS, to the point of beginning.

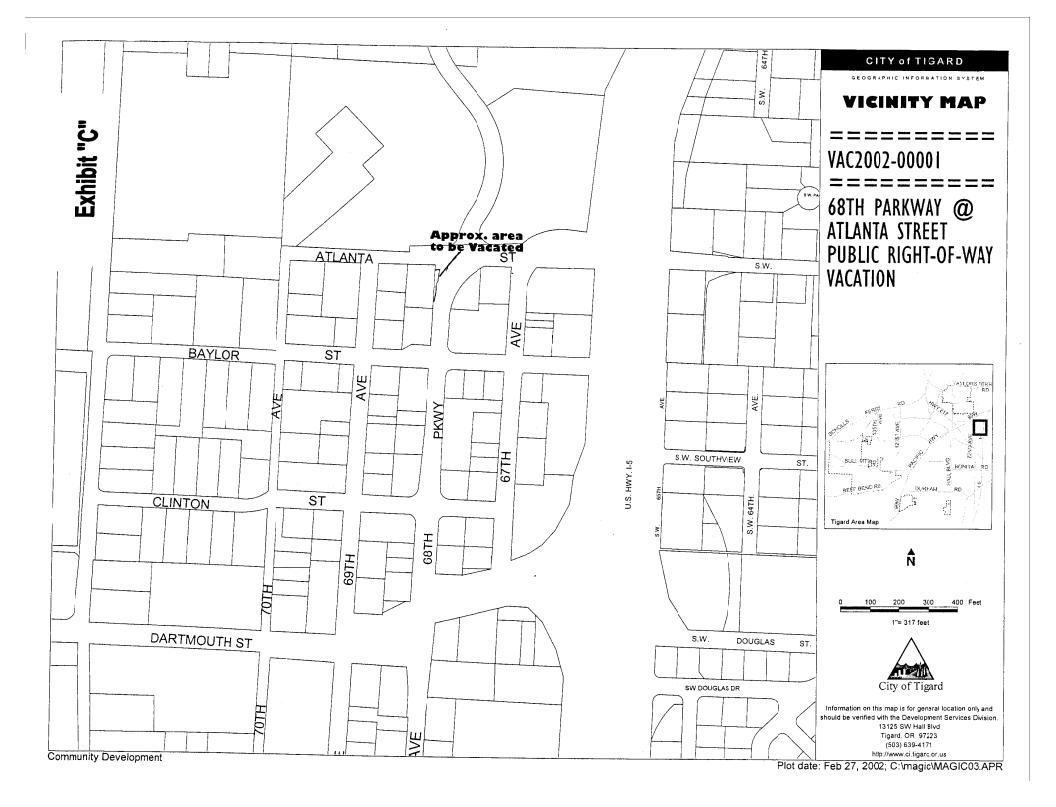
The above described tract contains 1,915 square feet more or less. The basis of bearing is from found iron pipes along SW Baylor Street per the Plat of West Portland Heights.



Y OF TIGARD SITE PLAN (Map is not to scale)



**68TH PARKWAY @ ATLANTA STREET PUBLIC RIGHT-OF-WAY VACATION** 



**ENGINEERING** 

**PLANNING** 

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SURVEYING

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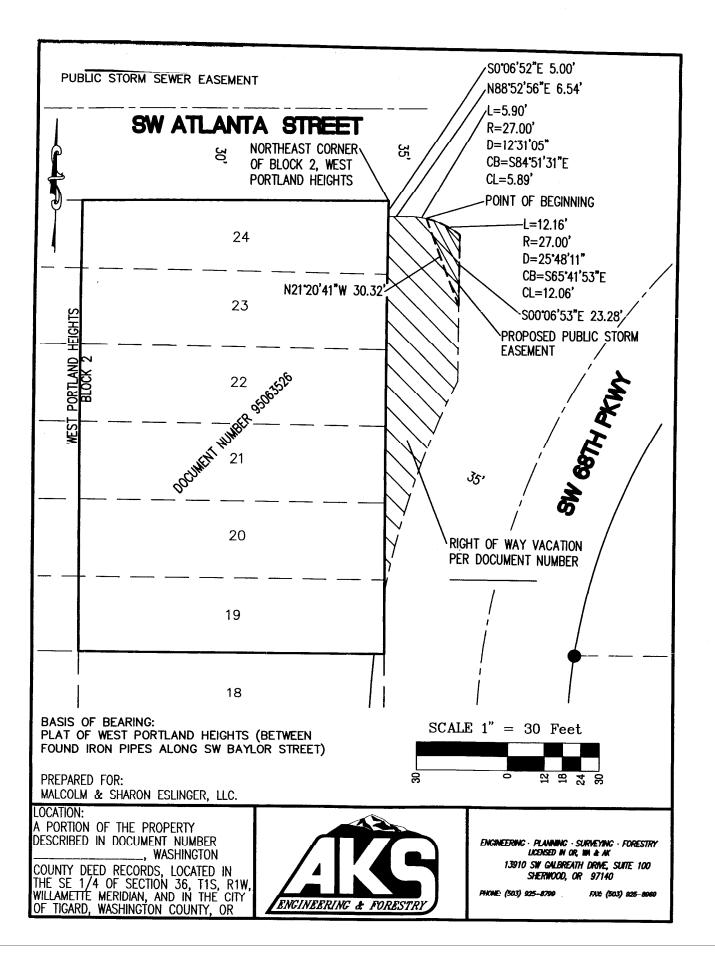
## PUBLIC STORM SEWER EASEMENT

A portion of the property described in Document Number \_\_\_\_\_\_\_\_, Washington County Deed Records, located in the Southeast One-Quarter of Section 36, Township 1 South, Range 1 West, Williamette Meridian and in the City of Tigard, Washington County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of Block 2, WEST PORTLAND HEIGHTS, thence, S00°06'52"E 5.00 feet, along the western right-of-way line of SW 68<sup>th</sup> Avenue, to a point; thence, N88°52'56"E 6.54 feet to a point; thence, along a tangent curve to the right with a radius of 27.00 feet, length of 5.90 feet, delta of 12°31'05", and long chord of S84°51'31"E 5.89 feet to the TRUE POINT OF BEGINNING; thence, continuing along said curve to the right with a radius of 27.00 feet, length of 12.16 feet, delta of 25°48'11", and long chord of S65°41'53"E 12.06 feet to a point; thence, S00°06'53"E 23.28' to a point; thence, N21°20'41"W 30.32 feet to the point of beginning.

The above described tract contains 133 square feet more or less. The basis of bearing is from found iron pipes along SW Baylor Street per the Plat of West Portland Heights.

### Exhibit "E"



**ENGINEERING** 

**PLANNING** 

13910 S.W. Galbreath Dr., Suite 100 Sherwood, OR 97140



SURVEYING

FORESTRY

TELEPHONE (503) 925-8799 FAX (503) 925-8969 E-MAIL: aks@aks-eng.com

#### PUBLIC RIGHT-OF-WAY DEDICATION

A portion of lot 24, Block 2, West Portland Heights located in the Southeast One-Quarter of Section 36, Township 1 South, Range 1 West, Willamette Meridian and in the City of Tigard, Washington County, Oregon, being more particularly described as follows (see Exhibit "B"):

Beginning at the Northeast corner of Block 2, WEST PORTLAND HEIGHTS; thence, S00°06'52"E a distance of 5.00 feet to a point; thence, S88°52'56"W a distance of 99.96 feet to a point; thence, N00°06'52"W a distance of 5.00 feet to a point; thence, N88°52'56"E a distance of 99.96 feet to the point of beginning.

The above tract contains 500 square feet more or less. The basis of bearings is from found iron pipes along SW Baylor Street per the plat of West Portland Heights.

ALSO: A portion of lot 19, Block 2, West Portland Heights located in the Southeast One-Quarter of Section 36, Township 1 South, Range 1 West, Willamette Meridian and in the City of Tigard, Washington County, Oregon, being more particularly described as follows (see Exhibit "B"):

Beginning at a point which is S00°06'52"E a distance of 127.66 feet from the Northeast corner of Block 2, WEST PORTLAND HEIGHTS; thence S00°06'52"E 21.04 feet to a point; thence N90°00'00"W a distance of 3.24 feet to a point; thence, along a non-tangent curve to the right, which lies parallel to and 35 feet in a westerly direction from the centerline of SW 68<sup>th</sup> Avenue, and has a radius of 272.11 feet, length of 21.28 feet, delta of 4°28'54", and a long chord of N08°38'43"E 21.28 feet, to the point of beginning.

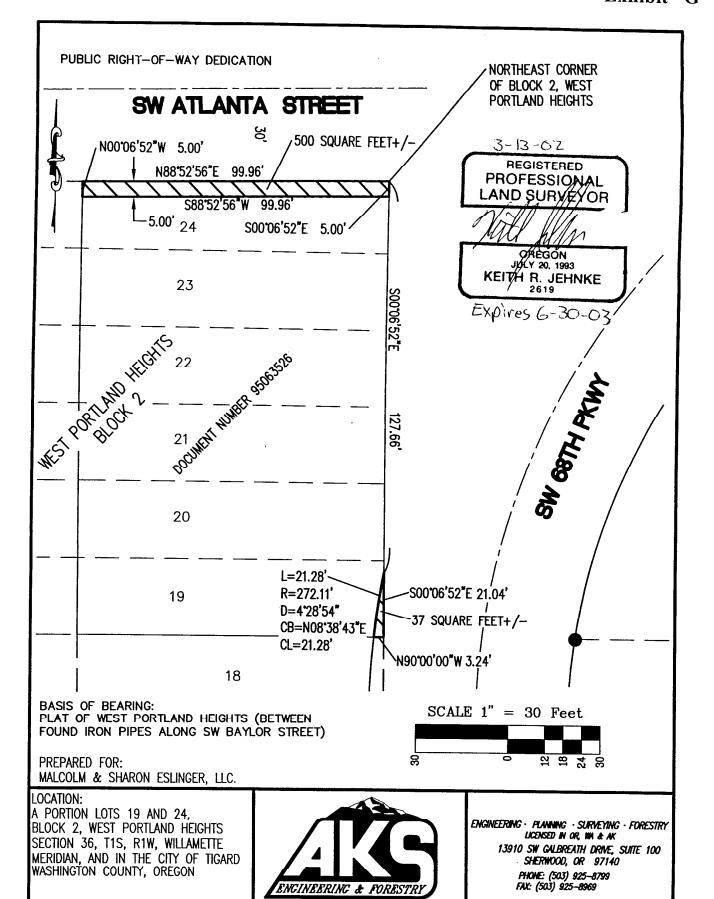
The above described tract contains 37 square feet more or less. The basis of bearings is from found iron pipes along SW Baylor Street per the plat of West Portland Heights.

3-13-02
REGISTERED

PROFESSIONAL LAND SURVEYOR

ØHEGON JULY 20, 1993 KEITH R. JEHNKE 2619

Expires 6-30-03



**ENGINEERING** 

**PLANNING** 

13910 S.W. Galbreath Dr., Suite 100 Sherwood, OR 97140



**SURVEYING** 

**FORESTRY** 

TELEPHONE (503) 925-8799 FAX (503) 925-8969 E-MAIL: aks@aks-eng.com

February 15, 2002

City of Tigard City Council 13125 SW Hall Blvd. Tigard, OR 97223

RE: Baylor Court II, Proposed Commercial Development

#### Council:

The purpose of this letter is to formally request that the City of Tigard initiate the vacation process for the public right-of-way along the frontage of SW 68<sup>th</sup> Avenue abutting the property described as tax lot 900 (tax map 1S136DD), Washington County. The right-of-way width is wider than the City standard for SW 68<sup>th</sup> Avenue (70 feet), as shown on the attached legal descriptions. This situation does not allow the applicant to meet the intent of the City of Tigard's Development Code for the Tigard Triangle. The Tigard Triangle rules encourage buildings to be built abutting public streets. The current right of way creates a "buffer" between the property and SW 68<sup>th</sup> Avenue. The proposed right-of-way vacation will allow the applicant to place the building closer to SW 68<sup>th</sup> Avenue.

There is an existing public storm line that lies within the northeast corner of the public Right-of-Way to be vacated. A public storm water easement will be granted to the City of Tigard concurrently with the Right-of-Way vacation, that will encompass approximately 7.5 feet on each side of the existing storm pipe, in accordance with the attached legal description.

The applicant, Malcolm & Sharon Eslinger, LLC., is requesting that the existing public right-of-way as described in the attached legal description be vacated and consolidated into tax lot 1S136DD00900.

Please call if you have any questions or comments.

Sincerely,

AKS Engineering & Forestry, LLC.

(Applicants Representative)

Alexander H. Hurley P.E., L.S.I.T.

Attachment

AGENDA ITEM#	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A resolution approving budget amendment #8 to the FY 2001-02 budget to
appropriate an Oregon State Library grant in the amount of \$16,200 for the Hispanic youth initiative.
PREPARED BY: Craig Prosser DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the Council amend the FY 2001-02 City budget to allow expenditure of the Library Services Technical Act grant in the amount of \$16,200.
STAFF RECOMMENDATION
Approve Budget Amendment #8.
<u>INFORMATION SUMMARY</u>
In August 2001, the Tigard City Library submitted an application for a grant from the Library Services and Technology Act (LSTA), administered by the Oregon State Library to help pay for enhanced services to Hispanic

In August 2001, the Tigard City Library submitted an application for a grant from the Library Services and Technology Act (LSTA), administered by the Oregon State Library to help pay for enhanced services to Hispanic Youth. The Library developed a program to enhance Hispanic youth awareness of Library materials and services, provide on-line Spanish-language resources through dedicated computers, and improve the Library's Hispanic collection. These efforts are all designed to help reduce the drop-out rate among Hispanic students, who constitute the majority of drop-outs from Tigard High School.

The total program developed by the Library is projected to cost \$27,200. LSTA requires a local match for its grants. The Library was able to apply for a grant of \$16,200 to help pay for this program. The balance of the program cost will be provided by existing library resources. The Oregon State Library awarded this grant to the Tigard Library on February 22, 2002.

This resolution amends the FY 2001-02 Budget of the City of Tigard to recognize the grant revenues of \$16,200 and to increase the appropriation of the Library by that same amount so that it can carry out the Hispanic Youth Initiative program.

#### OTHER ALTERNATIVES CONSIDERED

Do not accept the grant or amend the Budget. The Hispanic Youth Initiative would have to be severely curtailed or eliminated.

#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

	ATTACHMENT LIST	
Resolution		
	FISCAL NOTES	

Increases the City Budget by \$16,200.

#### CITY OF TIGARD, OREGON

#### **RESOLUTION NO. 02-**

A RESOLUTION APPROVING BUDGET AMENDMENT #8 TO THE FY 2001-02 BUDGET TO APPROPRIATE AN OREGON STATE LIBRARY GRANT IN THE AMOUNT OF \$16,200 FOR THE HISPANIC YOUTH INITIATIVE.

WHEREAS, the City of Tigard developed a program in Library to target services to Hispanic youth to acquaint Hispanic youth with Library resources, improve access to Spanish-language materials, and reduce the number of Hispanic high school drop outs, and WHEREAS, the total cost of this program is \$27,200, and

WHEREAS, the City applied for a grant in the amount of \$16,200 from the Library Services and Technology Act (LSTA) through the Oregon State Library to pay a portion of the program costs, and

WHEREAS, the City was notified on February 22, 2002 that it was awarded this grant, and

WHEREAS, it is necessary to amend the FY 2001-02 Budget to allow expenditure of these grant funds.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2001-02 Adopted Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution.

EFFECTIVE DA	ΓE: March	26, 2002		
PASSED:	This	_ day of	_ 2002.	
				Mayor - City of Tigard
ATTEST:				
City Recorder - Ci	ity of Tigard	[		

## Attachment A FY 2001-02 Budget Amendment # 8

	FY 2001-02	Budget	Revised
	Revised	Amendment	Revised
	Budget	# 8	Budget
General Fund			
Resources			
Beginning Fund Balance	6,082,150		6,082,150
Property Taxes	8,195,370		8,195,370
Grants	109,460	16,200	125,660
Interagency Revenues	2,289,440		2,289,440
Development Fees & Charges	265,305		265,305
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	104,391		104,391
Fines and Forfeitures	683,750		683,750
Franchise Fees and Business Tax	2,542,480		2,542,480
Interest Earnings	341,500		341,500
Bond Proceeds/Principal	0		0
Other Revenues	76,250		76,250
Transfers In from Other Funds	2,231,920		2,231,920
Total	\$22,922,016	\$16,200	\$22,938,216
			, ,
Requirements			
Community Service Program	9,118,316	16,200	9,134,516
Public Works Program	2,374,907		2,374,907
Development Services Program	2,532,431		2,532,431
Policy & Administration Program	398,345		398,345
General Government	0		0
Program Expenditures Total	\$14,423,999	\$16,200	\$14,440,199
Debt Service	\$0		\$0
Capital Improvements	\$410,000		\$410,000
Transfers to Other Funds	\$3,616,008		\$3,616,008
Contingency	\$979,393		\$979,393
3 · · · <b>3</b> · · · <b>3</b>	*,		* ,
Total Requirements	\$19,429,400	\$16,200	\$19,445,600
Ending Fund Balance	3,492,616		3,492,616
Grand Total	\$22,922,016	\$16,200	\$22,938,216

AGENDA ITEM # _	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #9 to the FY 2001-02 Budget to add
the Wall Street Project to the approved CIP.
PREPARED BY: Craig Prosser/A.P. Duenas DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the City Council approve the addition of a new CIP project in the Traffic Impact Fee Fund for the proposed Wall Street Project?
STAFF RECOMMENDATION
Add the Wall Street Project to the FY 2001-02 CIP project list by passing the attached resolution approving Budget Amendment #9.
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#### INFORMATION SUMMARY

The City has identified a site on Hall Boulevard for the placement of a new City Library, and has signed an option to purchase that property if voters approve the issuance of General Obligation bonds for the Library project. As part of the land purchase, the City has agreed to work with the major property owner in the area to extend Wall Street from Hunziker Street to Hall Boulevard. The construction of Wall Street is eligible for Traffic Impact Fee (TIF) funding. The project is proposed for funding through formation of a Local Improvement District (LID). The City has agreed to cover the engineering and construction management costs for the project. Through Resolution No. 02-11, City Council directed the preparation of a Preliminary Engineer's Report for the proposed LID and authorized the use of TIF funds for the engineering and construction management of the proposed LID improvements.

The Wall Street Project was not anticipated in the FY 2001-02 CIP, and the CIP must be amended to add this project. The Preliminary Engineer's Report and a significant portion of the preliminary engineering on the project are anticipated to cost \$325,000. Of this amount, \$50,000 is anticipated to be spent in FY 2001-02, with the balance to be budgeted for FY 2002-03. The Capital Improvement Program budget in the Traffic Impact Fee Fund needs to be amended in FY 2001-02 to add the \$50,000 for the Wall Street Project.

The approval of this budget amendment would allow the City Engineer to move ahead with the consultant selection process to contract with an engineering consultant for the preparation of the Preliminary Engineer's Report.

#### OTHER ALTERNATIVES CONSIDERED

None. The purchase option signed with the property owner requires the City to work the major property owner towards formation of the LID. The Preliminary Engineer's Report would further determine the feasibility of forming the LID for constructing these improvements. The findings of the report would provide Council with sufficient information to decide whether or not to move ahead with the LID formation.

#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The proposed extension of Wall Street from Hunziker Street to Hall Boulevard meets the Tigard Beyond Tomorrow goal of *Improve Traffic Flow* by providing a new road that relieves congestion at the Hall/Hunziker/Scoffins intersections.

#### ATTACHMENT LIST

- Resolution for approval of Budget Amendment #9.
- Resolution No. 02-11

#### FISCAL NOTES

The amount of \$325,000 would allow for the preparation of the Preliminary Engineer's Report, including engineering plans in sufficient detail to provide relatively accurate cost estimates and at a level of detail required for the various permit applications. The Traffic Impact Fee is the designated source of funds for the preparation of the report. Out of this amount, \$50,000 is anticipated to be spent in FY 2001-02.

I:\ADM\PACKET '02\20020326\BUDGET AMEND #9 - WALL ST AIS.DOC

#### CITY OF TIGARD, OREGON

A	<b>RES</b> (	OLU	JTION	I APP	ROVIN	IG BU	JDGE	T A	MENI	<b>DMEN</b>	T #9	TO	THE	FY	2001	-02
BU	J <b>DGE</b>	TT	O AD	D THI	E WAL	L STR	EET	EXT	<b>ENSI</b> (	ON TO	THE	APF	PROV	ED (	CAPIT	AL
IN	<b>IPRO</b>	VEN	MENT	PRO	GRAM	AND	ADJ	UST	APPF	ROPRI	ATIO	NS 1	IN TI	HE 7	<b>TRAFF</b>	IC
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WHEREAS, the Adopted Capital Improvement Program (CIP) of the City of Tigard lists all projects authorized to be developed or constructed in FY 2001-02; and

WHEREAS, the Tigard Transportation System Plan adopted on January 8, 2002 included the extension of Wall Street from Hunziker Street to Hall Boulevard as one of the key new alternate routes to divert traffic from Highway 99W and Hall Boulevard; and

WHEREAS, the construction of Wall Street from Hunziker Street to Hall Boulevard has been proposed for construction through formation of a Local Improvement District (LID); and

WHEREAS, the City Council, by Resolution No. 02-11, directed the preparation of a Preliminary Engineer's Report for the proposed LID and authorized the use of Traffic Impact Fee funds for the engineering and construction management of the proposed LID improvements.

#### NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

The FY 2001-02 budget of the City of Tigard is hereby amended as shown in **SECTION 1:** Attachment A to this resolution.

**SECTION 2:** The Wall Street project is added to the FY 2001-02 Street Systems CIP.

EFFECTIVE	<b>DATE:</b> This re	esolution shall take	e effect on March 26, 2002.	
PASSED:	This	day of	, 2002.	
			Mayor - City of Tigard	
ATTEST:				
•	- City of Tigard			
I:\Citywide\Res\Resol	lution for Wall Street F	unding		

RESOLUTION NO. 02-Page 1

## Attachment A FY 2001-02 Budget Amendment # 9

	FY 2001-02	Budget	Revised
	Revised	Amendment	Revised
	Budget	# 9	Budget
Traffic Impact Fee Fund			
Resources			
Beginning Fund Balance	1,990,478		1,990,478
Property Taxes	0		0
Grants	270,000		270,000
Interagency Revenues	0		0
Development Fees & Charges	993,700		993,700
Utiltity Fees and Charges	0		0
Miscellaneous Fees and Charges	0		0
Fines and Forfeitures	0		0
Franchise Fees and Business Tax	0		0
Interest Earnings	109,500		109,500
Bond Proceeds/Principal	0		0
Other Revenues	0		0
Transfers In from Other Funds	0		0
Total	\$3,363,678	\$0	\$3,363,678
	\$3,363,678	\$0	\$3,363,678
Requirements		\$0	
Requirements  Community Service Program	0	\$0	0
Requirements  Community Service Program  Public Works Program	0	\$0	0
Requirements Community Service Program Public Works Program Development Services Program	0 0 0	\$0	0 0 0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program	0 0 0 0	\$0	0 0 0 0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government	0 0 0 0		0 0 0 0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program	0 0 0 0	<b>\$0</b>	0 0 0 0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total	0 0 0 0 0 \$0		0 0 0 0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total Debt Service	0 0 0 0 0 \$0	\$0	0 0 0 0 0 \$0
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total  Debt Service Capital Improvements	0 0 0 0 \$0 \$0 \$2,941,000		0 0 0 0 \$0 \$0 \$2,991,000
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total  Debt Service Capital Improvements Transfers to Other Funds	0 0 0 0 0 \$0	\$0	0 0 0 0 \$0 \$0 \$2,991,000 \$106,466
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total  Debt Service Capital Improvements	0 0 0 0 \$0 \$0 \$2,941,000 \$106,466 \$300,000	\$0 \$50,000	0 0 0 0 \$0 \$0 \$2,991,000 \$106,466 \$250,000
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total  Debt Service Capital Improvements Transfers to Other Funds	0 0 0 0 \$0 \$0 \$2,941,000 \$106,466	\$0 \$50,000	0 0 0 0 \$0 \$0 \$2,991,000 \$106,466
Requirements Community Service Program Public Works Program Development Services Program Policy & Administration Program General Government Program Expenditures Total  Debt Service Capital Improvements Transfers to Other Funds Contingency	0 0 0 0 \$0 \$0 \$2,941,000 \$106,466 \$300,000	\$0 \$50,000 (\$50,000)	0 0 0 0 \$0 \$0 \$2,991,000 \$106,466 \$250,000

#### CITY OF TIGARD, OREGON

#### RESOLUTION NO. 02-//

A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED WALL STREET LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT.

**WHEREAS**, one of two new key alternate routes identified in Tigard's Transportation System Plan (TSP) is the extension of Wall Street from Hunziker Street to Hall Boulevard; and

**WHEREAS**, this new route is projected to carry up to 7,000 vehicles per day and relieve Hall Boulevard sufficiently to allow that street to function adequately at 3 instead of 5 lanes; and

**WHEREAS**, one major property owner along the proposed corridor for the road project is interested in forming a Local Improvement District (LID) for construction of the new connector road; and

**WHEREAS**, an Option Agreement executed to purchase property from this land owner for the proposed new Tigard Library requires the City to pursue formation of an LID for construction of the street; and

WHEREAS, the City agreed in that Option Agreement to provide the funding for the engineering and construction management of the LID improvements; and

**WHEREAS**, the Engineering staff prepared a Preliminary Evaluation Report which was submitted to City Council for discussion and direction during the meeting on January 22, 2002; and

**WHEREAS**, the Preliminary Evaluation Report determined that the proposed LID appears feasible, despite various major issues that need resolution, and recommended that City Council take the next step in the LID formation process by authorizing the preparation of a Preliminary Engineer's Report; and

**WHEREAS**, the Preliminary Evaluation Report recognized that there is no funding currently available to move ahead with the project and recommended that City Council direct the establishment of that funding mechanism designating the Traffic Impact Fee (TIF) Fund as the funding source; and

WHEREAS, City Council discussed the proposed LID and indicated that the LID boundary and improvements to be constructed by the LID are satisfactory as submitted; and

**WHEREAS**, City Council has directed staff to prepare a resolution authorizing preparation of a Preliminary Engineer's Report and submit that resolution for adoption at the next Council business meeting.

#### NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

**SECTION 1**: The Engineering staff is directed to proceed with preparation of Preliminary Engineer's

Report for the proposed LID in accordance with the proposed LID boundary and

improvements as described in the Preliminary Evaluation Report.

**SECTION 2**: The Preliminary Engineer's Report should include the scope of work, location of the

proposed improvements, proposed district boundaries, estimated costs, proposed assessment methods, and other information that may be relevant to the feasibility of the improvements and district. The report should recommend approval, approval with

conditions, or denial.

**SECTION 3**: The City of Tigard shall provide the funding for preparation of the Preliminary

Engineer's Report. The initial amount needed to prepare the report and continue with

the LID formation process is approximately \$325,000.

**SECTION 4**: The City staff is directed to establish the funding mechanism in that amount for the

engineering work using the TIF as a funding source. Any budget adjustments requiring Council action and necessary for the establishment of the project funding shall be

brought to Council for appropriate action.

**EFFECTIVE DATE:** This

This Resolution shall be effective immediately.

PASSED:

This 12th day of February, 2002.

ATTEST:

City Recorder - City of Tigard

I:\Citywide\Res\Resolution Directing Preliminary Engineer's Report for Wall Street LID

AGENDA ITEM#	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider a Resolution Accepting An Additional \$390,000 in Priorities 2002 Federal Funding for the Greenburg Road Project
PREPARED BY: A.P. Duenas/Craig Prosser DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Shall Council authorize acceptance of an additional \$390,000 in Federal funding for the Greenburg Road Project.
STAFF RECOMMENDATION
Staff recommends that Council pass the attached resolution accepting the additional federal grant funding and authorizing the City Manager to sign all necessary grant documents to accept the funds.
<u>INFORMATION SUMMARY</u>
The FY 2001-02 CIP (Capital Improvement Program) includes \$310,000 for improvements to Greenburg Road from Washington Square Drive to Tiedeman Avenue in the Washington Square Regional Center area. This initial funding approved in the CIP is for preliminary engineering on the project and is to be funded by \$270,087 in Federal Priorities 2000 funds with the balance as a local match provided by the City's Traffic Impact Fee Fund. City Engineering staff were recently notified that this project has been approved through the Priorities 2002 process for the next phase of federal funding in the amount of \$390,000 for right-of-way acquisition on the project. The additional federal funding will require an additional \$45,000 in local match.
be spent in FY 2001-02, but will be included in the FY 2002-03 Proposed CIP Budget. No budget amendment is required at this time.
OTHER ALTERNATIVES CONSIDERED
Do not accept the grant. The City would have to seek other funding for the Greenburg Road project.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
NA
ATTACHMENT LIST

Resolution accepting the additional Federal funding in the amount of \$390,000.

#### FISCAL NOTES

Total cost of the right-of-way acquisition phase of the project is \$435,000, of which \$390,000 will come from Federal funding. The total cost of preliminary engineering and right-of-way acquisition for the Greenburg Road Improvement project is \$745,000. Federal funds will provide \$660,087 out of this amount.

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#### CITY OF TIGARD, OREGON

<b>RESOLUTION NO. 02-</b>
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## A RESOLUTION ACCEPTING AN ADDITIONAL \$390,000 IN PRIORITIES 2002 FEDERAL FUNDING FOR THE GREENBURG ROAD PROJECT.

WHEREAS, The FY 2001-02 CIP and City Budget includes \$310,000 for preliminary engineering for the Greenburg Road (Washington Square Drive to Tiedeman Avenue) project; and WHEREAS, Federal Priorities 2000 funding is paying for \$270,087 of the Greenburg Road preliminary engineering; and WHEREAS, the City has recently been notified that an additional \$390,000 in Federal funds for right-ofway acquisition has been awarded for the Greenburg Road project through the Priorities 2002 selection process; and WHEREAS, the additional federal funds will not be spent until FY 2002-03. NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: SECTION 1: The City Council of the City of Tigard accepts an additional \$390,000 of Federal funding provided through the Priorities 2002 process for the Greenburg Road project. SECTION 2: The City Manager is hereby authorized to sign all necessary grant documents for acceptance of the additional funding. EFFECTIVE DATE: This resolution shall take effect on March 26, 2002. This day of , 2002. PASSED: Mayor - City of Tigard ATTEST:

I:\Citywide\Res\Greenburg Road Grant Resolution.doc

City Recorder - City of Tigard

AGENDA ITEM#	
FOR AGENDA OF	3-26-2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE
PREPARED BY: John Roy DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Shall the Local Contract Review Board award the bid to Robert Gray Partners for the construction of Cook Park Master Plan Expansion Phase II.
STAFF RECOMMENDATION
Staff recommends that the Local Contract Review Board award the bid to Robert Gray Partners for the construction of Cook Park Master Plan Expansion Phase II, with the award to include the base bid and bid alternate 1B, in the amount of \$1,069,843.78.
<u>INFORMATION SUMMARY</u>
Staff advertised for bids in the Tigard Times and the Daily Journal of Commerce for the construction of the Cook Park Master Plan Expansion Phase II development on February 14, 2002. A mandatory pre-bid conference was held on February 21, 2002, with twenty-four persons attending. Bid opening was held on March 7, 2002, with six bids having been received.  OTHER ALTERNATIVES CONSIDERED
OTTER ALTERIVATIVES CONSIDERED
<ol> <li>Award the bid on the base bid only.</li> <li>Award the bid on the base bid and bid alternate 1A (restroom facility only).</li> <li>Award the base bid to the next lowest responsible bidder.</li> <li>Award the base bid and bid alternate 1B (restroom &amp; concession ) to the next lowest responsible bidder.</li> </ol>
5. Award the base bid and bid alternate 1A (restroom facility only) to the next lowest responsible bidder.
6. Reject all bids and give staff further direction.  VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
This will comply with Council Goal number 2 for 2002, Parks and Recreation - Complete master plans for parks, such as Summerlake Park, Cook Park, Fanno Creek Park Extension, Dog Park.
ATTACHMENT LIST
Bid Summary – prepared and submitted by CES, NW

#### FISCAL NOTES

The low bid proposal for this construction project is \$1,069,843.78. Funding for this construction project is provided for from a remaining balance of \$56,272 from the Park CIP budget for Phase I construction for FY 2001/02, in addition to the \$250,000 ORPA block grant and the \$2,300,000 loan from the Oregon Economic and Community Development Department that were received this fiscal year.



#### Memorandum

TO: John Roy, Property Manager, City of Tigard

**FROM:** Tony Weller, P.E., P.L.S.

SUBJECT: COOK PARK EXPANSION PHASE II - BID REVIEW

**DATE:** June 8, 2001

We have completed our review of six bids submitted for the Cook Park Expansion Phase II project. The bids were opened and read on March 7, 2002 at 2:00 pm. Our review of consisted of verifying that submitted bids met the contract requirements for all of the required submittal items. In additional to the signed bid proposal, each bidder was required to submit:

1. A Bid Bond in the amount of 10% of the bid amount.

- 2. A copy of their completed State Prequalification Application Form.
- 3. A signed acknowledgement of the Addendum.
- 4. Submission of the First-tier Subcontractor Disclosure Form.

We also reviewed each bid for mathematical accuracy. The following bids were submitted:

Contractor	Base Bid	Alt. 1A	Alt.1B	Alt. 2A	Alt. 2B
Robert Gray Partners, Inc.	\$813,603.78	\$ 41,801.00	\$256,240.00	\$ 41,801.00	\$261,240.00
First Cascade Corporation	\$850,659.12	\$315,000.00	\$320,000.00	\$315,000.00	\$320,000.00
Grady, Harper & Carlson, Inc.	\$892,986.87	\$236,999.00	\$288,301.00	\$241,840.00	\$293,586.00
DPR Construction, Inc.	\$1,009,695.35	\$209,258.00	\$229,258.00	\$209,258.00	\$229,258.00
D&D Concrete & Utilities, Inc.	\$1,046,858.00	\$240,000.00	\$278,000.00	\$264,000.00	\$305,000.00
Carter & Company, Inc.	\$1,127,063.29	\$230,000.00	\$260,500.00	\$235,000.00	\$265,000.00
Engineer's Est.	\$1,152,549.00	\$400,000.00	\$450,000.00	\$480,000.00	\$540,000.00

# COOK PARK EXPANSION PHASE 2 Page 2

#### **Bid Alternates**

Alternate 1A and Alternate 2A, consists of the Restroom/Concession Building being constructed <u>without</u> the concession portion of the building.

Alternate 1B and Alternate 2B consists of the Restroom/Concession Building being constructed <u>with</u> the concession portion of the building.

The only difference between the Alternate 1A & 1B group from the Alternate 2A & 2B group is the time the City has to make the award. If Alternate 1A or 1B are awarded, the award must be made within the normal contract requirement of 45 days after bid opening. If Alternate 2A or 2B are awarded, the award must be made within 120 days after bid opening.

#### **Bid Documents**

The Advertisement for Bids and the Notice to Contractors both state that "Bids shall be submitted intact with the entire contract documents". Four of the six bids were submitted with the completed proposal section of the contract documents and the other required submittal items. They did not include the "entire contract document". However, neither the Bidder's Checklist, Proposal, nor anywhere else in the contract documents is it stated that submittal of the "entire contract document" is required for a responsive bid. APWA, Section 102.2.00 Contents of Proposal Form, last paragraph, states "The plan, specifications, and other documents designated in the proposal form will be considered part of the proposal whether attached or not".

The City has in the past accepted bids without the entire contract documents being submitted and to our knowledge has never rejected a bid based on the this issue. We believe that the lack of "entire contract document" being submitted is an informality or irregularity that does not effect rights of any bidder or of the City and recommend waiving this requirement.

#### **Review Comments by Bidder**

#### Robert Gray Partners, Inc.

Robert Gray Partners did not submit the entire contract document with their bid. Their bid had several rounding and math mistakes. Schedule 6 had several unit price changes that were not initialed by the bidder.

The bid items 6.1 - 6.4, the reclaimed water piping are all low and may be a mistake. The dollar amount for Alternate 1A and 2A appears to be low and may be a mistake.

#### **First Cascade Corporation**

First Cascade Corporation did not submit the entire contract document with their bid. They did not turn in the Addendum Acknowledgement Form with their bid. However, they did submit full copies of each Addendum with Ford Graphics Cover Sheet that was signed in acknowledgement of receipt. The contract documents state under <a href="Notice to Contractors">Notice to Contractors</a>, Bidding Requirements, No. 3 "Bidder's Acknowledgement of project addenda", however in the <a href="Bidder's Checklist">Bidder's Checklist</a> it states "Acknowledgement of Addenda Form". We believe they complied with the requirement to acknowledge receipt of all project

# COOK PARK EXPANSION PHASE 2 Page 3

addenda.

In Schedule 3 we found a "white out" correction that was not initialed.

The bid item 1.6 Soft Spot Repair is high at \$43.60/CY and the quantity could change depending on site conditions. The bid item 1.14 the bike rack is \$654, which is less than what we understand the materials to cost. This may be a mistake that the bidder believes the City will provide the bike rack. The bid item 4.1 Tot Lot is low at \$16,951.68 and may be a mistake where the bidder believed the City was to provide the rubber tiles. We understand the materials alone for the rubber tiles to cost more that the total bid for the tot lot.

#### Grady, Harper & Carlson, Inc.

Grady, Harper & Carlson did not submit the entire contract document with their bid. Their bid had a couple of "white-out" changes to unit prices without being initialed by the bidder. It appears that the bid numbers were written by the same person who filled out the bid proposal.

The bid item 1.6 Soft Spot Repair is high at \$49.30/CY and the quantity could change depending on site conditions. The bid item 1.14 the bike rack is \$180, which is less than what we understand the materials to cost. This may be a mistake that the bidder believes the City will provide the bike rack. The bid item 6.12 to replant the water quality swale is high at \$10,000.

#### **DPR Construction. Inc.**

DPR Construction did submit the entire contract document with their bid. They had one minor correction to a bid item number that was not initialed.

The bid item 1.14 the bike rack is \$307.50, which is less than what we understand the materials to cost. This may be a mistake that the bidder believes the City will provide the bike rack. The bid item 1.26 2" PVC water at \$23.19/LF is more than twice anyone else's bid. The bid item 1.34 Trench Pavement restoration at \$51.39/SY is high. The bid item 6.12 to replant the water quality swale is high at \$10,000. The bid item 6.14 Trench Pavement restoration at \$41.82/SY is high.

#### **D&D Concrete and Utilities, Inc.**

D&D Concrete and Utilities did submit the entire document with their bid. Their prequalification form states that they are qualified for building construction but none of their project experience listed in the prequalification application list building construction in the class of work. The bid item 1.1 Mobilization is \$100,000 and may be unbalanced. The bid item 6.12 to replant the water quality swale is high at \$8,500.

#### Carter & Company, Inc.

Carter & Company did not submit the entire contract document with their bid. Their prequalification application lists their maximum dollar amount for building construction as 1,000,000. Their bid for this project exceeds 1,000,000.

The bid item 1.1 Mobilization is \$75,000 and may be unbalanced. The bid item 1.34 Trench Pavement restoration at \$54.00/SY is high. The bid item 2.3 Weather station is high at \$10,000. The bid item 1.34

# COOK PARK EXPANSION PHASE 2 Page 4

Trench Pavement restoration at \$45.00/SY is high.

#### **Bidder Rank by Base Bid and Alternate**

Base Bid	Alt 1A	Alt 1B	Alt 2A	Alt 2B
Robert Gray (813,603.78)	Robert Gray (855,404.78)	Robert Gray (1,069,843.78) (855,4	Robert Gray -04.78) (1,074	Robert Gray ,843.78)
First Cascade (850,659.12)		First Cascade ,659.12) (1,134,826.87		First Casd.
Grady, Harper (892,986.87)	First Cascade (1,165,659.12)(1,181	Grady, Harper ,287.87) (1,165,659.12		Grady,Harp.
DPR Const. (1.009.695.35) (1.218	DPR Const. 3,953.35) (1,238,953.35	DPR Const.	DPR Const. 3.953.35)	DPR Const.
D&D Conc.	D&D Conc. 5,858.00) (1,324,858.00	D&D Conc.	D&D Conc.	D&D Conc.
Carter & Co. (1,127,063.29) (1,357	Carter & Co. 7,063.29) (1,387,563.29	Carter & Co.	Carter & Co. 2,063.29)	Carter& Co.

#### **Award Recommendation**

Based on our review of the bids submitted and information contained in the prequalification forms, we believe **Robert Gray Partners**, **Inc.** has the necessary experience for this project and has submitted the lowest responsive bid for the Base Bid and each of the Alternate Bid items. We recommend the City Council **award the Base Bid and Alternate 1B to Robert Gray Partners**, **Inc.** 

AGENDA ITEM#		
FOR AGENDA OF	March 26	, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Award of Con	ntract for the Constru	ection of FY 200	1-2002 Sewer Rehabilitation Program	
PREPARED BY: Vannie Nguyen	DEPT HEAD OK:	A.P. Duenas	CITY MGR OK: Bill Monahan	
ISSUE BEFORE THE COUNCIL				
Shall the Local Contract Review Board approve the contract award for the construction of FY 2001-2002 Sewer				
Rehabilitation Program?				
	STAFF RECOMN	MENDATION		

#### INFORMATION SUMMARY

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to Gelco Services,

Inc. in the amount of \$71,440.00.

The City of Tigard's television inspection reports identify more than 6,000 feet of sanitary and storm drainpipes that are seriously damaged. The line segments have numerous cracks and the pipe joints are widely split allowing water to leak through. To restore the structural and hydraulic integrity of the damaged pipes, staff proposes a yearly rehabilitation program that would provide corrective and preventative maintenance to approximately 1,000 feet of pipe per year. The rehabilitation program would use a method to install pipe that eliminates the need to excavate. The installation of Cured-in-Place Pipe (CIPP) utilizes a trenchless construction method that prevents damage to existing pavement and minimizes disruption to traffic and underground utilities. This method is widely used by other governmental agencies and has proved effective in solving the problem.

The installation of CIPP is formed by the insertion of a resin-impregnated flexible felt tube into the existing pipe. The tube is expanded with water in an inversion process to fit against the host pipe, and then heated to cure the resin. The finished product is a jointless, structural pipe that is formed to the existing pipe.

The proposed sewer rehabilitation program for FY 2001-02 includes pipes on the following streets: Highway 99W (west of Garrett Street), North Dakota Street (between Gallo and 112<sup>th</sup> Avenue), O'Mara Street (at Hill Street), Gallo avenue (south of Tigard Street), and Ventura Court.

The bid opening for the sewer rehabilitation project was conducted on March 11, 2002. The bid results are:

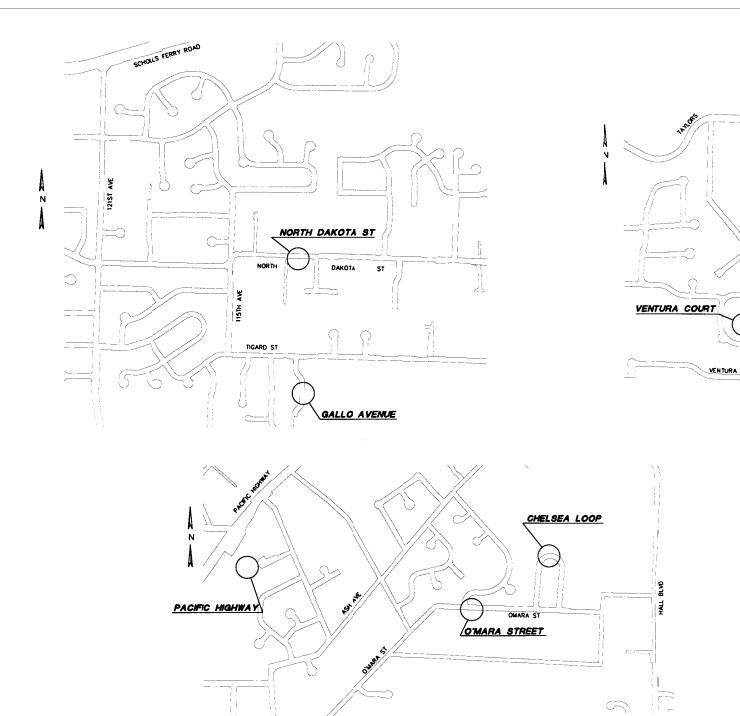
Gelco Services Salem, Oregon \$71,440.00 Planned & Engineered Constructions Helena, Montana \$74,387.00

\$89,802.00 **\$89,200** 

# None VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY None ATTACHMENT LIST Project location map FISCAL NOTES

This project is funded in the amount of \$100,000 in the FY 2001-02 CIP Storm Drainage System Program. This amount is sufficient to award the contract of \$71,440.00 to Gelco Services, Inc.

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AGENDA ITEM#	
FOR AGENDA OF	3/26/02

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Title 3 Comprehensive Plan and Code Amendments Hearing
PREPARED BY: Duane Roberts DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the City adopt certain code amendments in order to comply with Title 3 of the Urban Growth Management Functional Plan, as required by Metro?
STAFF RECOMMENDATION
Council adopt the amendments as presented.
777071617701177777777777777777777777777

#### INFORMATION SUMMARY

In mid-1998, the Metro Council adopted performance standards for the protection of streams, wetlands, and floodplains, formally known as Title 3 of the Urban Growth Management Functional Plan. Tigard and the other jurisdictions within Metro were required to amend their comprehensive plans and development codes to comply with these new standards within eighteen (later extended to twenty-four) months.

In Washington County, the County and local governments, including Tigard, unanimously elected to meet Title 3 standards by building on the existing Clean Water Services (CWS) storm water management program. In late 1999, after a one-year, collaborative process, revised CWS rules reflecting the Title 3 performance standards, as well as additional standards needed by CWS in order to meet new federal Clean Water Act requirements, were completed and forwarded to the CWS board. The revisions were adopted by the CWS board after public hearings and became effective Countywide February 2000. As required by our IGA with CWS, Tigard has been enforcing the standards since that date.

On November 6, 2000, the Tigard Planning Commission conducted a hearing on amendments to the City Comprehensive Plan and Community Development Code recognizing the new CWS standards. In a five to zero decision, the Commissioners voted to abstain from forwarding a recommendation to Council concerning adoption. According to meeting minutes, the main reason was that the CWS definition of "development" was considered to be unduly vague and, for clarification purposes, a specific list or prohibited and allowed activities should be developed and made available to landowners. To partially address this concern, the lengthy, one paragraph CWS development definition originally included in the proposed Tigard Code amendments has been changed to an easier-to-read, list-type format. To further clarify the definition, one phrase has been added to the wording of the definition.

A Council hearing to adopt the standards originally had been scheduled for late 2000. However, after the November 2000 passage of Ballot Measure 7, the City attorney advised the City to suspend adoption until the effects of the ballot measure were better known.

The adoption process remained on hold until October 2001, when Tigard and other jurisdictions received a letter from Metro directing the City to complete Title 3 adoption. As a local unit of government within Metro, Tigard is required to follow Metro planning rules. In response to the Metro letter, the City resumed the adoption process and set the date for the Council adoption hearing. Adoption of the proposed amendments will bring the City into full compliance status with regard to Title 3 of the Urban Growth Management Functional Plan.

Approximately 1,600 hearing notices have been sent to the owners of land located within mapped Title 3 resource and associated buffer areas. In January, two informal meetings for affected landowners were held to discuss the code amendments and to give examples of how they work.

#### **Summary of Amendments**

- The new regulations apply to new "development" near sensitive water areas. The definition of "development" generally includes the following activities:
  - 1. land division to create new lots
  - 2. construction requiring a building permit
  - 3. grading and excavation requiring a permit
  - 4. clearing of vegetation within a vegetated corridor area
- Existing development located within a setback area is not subject to the new regulatory setbacks and is not required to be brought into conformity with the new rules. However, any proposed expansion of the existing use would be required to conform to the new regulations. Maintenance and repair and roads and utilities, where no alternative locations exist that would cause less disturbance, also are exempt from the regulations.
- The purpose of the proposed City Comprehensive Plan and Code amendments is to add references to CWS's Design and Construction Manual and to CWS's role as a service provider whose storm/surface water management service is required as part of the land use review process. The sole policy change is the addition of CWS to the list of government entities referenced in Water Quality Policy 4.2.1 whose standards apply to development inside the City. Metro staff requested that Comprehensive Plan references to "Metro Service District" be updated to "Metro".
- A related purpose of the amendments is to streamline the Sensitive Lands (18.775) and Water Resources Overlay (18.797) Chapters of the Code by eliminating conflicting standards and by integrating into the Sensitive Lands Chapter portions of the Water Resources Overlay Chapter that are more restrictive than CWS or Sensitive Lands standards and deleting all other portions of the Water Resources Overlay Chapter.
- The new CWS rules require wider buffers around streams and wetlands and also require the enhancement to "good condition" of the first 15 to 50 feet of disturbed or degraded buffer areas. The CWS rules limit development within sensitive water resource areas and adjacent corridors. The corridors range in width from 15 to 200 feet depending on the nature of the sensitive area and the slope of the surrounding terrain. Very steep areas receive the widest

- corridors. A chart showing the standard vegetated corridor widths is attached (Attachment 1). Also attached is a chart comparing the main Title 3/ CWS standards to pre-existing City standards (Attachment 2).
- To provide flexibility in the land use review process, the new standards allow for development to occur with appropriate conditions through buffer averaging and reduction and through an alternatives analysis or variance process.
- The new regulations require that applicants for development near streams and wetlands prepare a site assessment and obtain a stormwater permit from CWS prior to submitting a land use application to the City. As presently administered, the City pre-screens proposed site plans to determine which applications include development that intrudes into the vegetated corridor and require CWS review. Proposals that include any intrusion are required to obtain the CWS permit.

Metro, Department of Land Conservation and Development, and the City Attorney have reviewed the proposed amendments and have not offered any objections to their adoption as written. The adoption ordinance includes language provided by the City Attorney based on recent Measure 7 case law and intended to protect the City from Measure 7 claims. Adoption of the proposed code amendments will bring the City into full compliance with Title 3 and meet the City's legal obligation to follow Metro planning rules.

#### OTHER ALTERNATIVES CONSIDERED

None considered.

#### ATTACHMENT LIST

Attachment 1: Chart I: Vegetated Corridor Widths

Attachment 2: Chart II: Main Title 3/USA [CWS] Requirements Compared with Existing City Standards

Attachment 3: Adoption ordinance and Exhibits

Attachment 4: Planning Commission Minutes, November 6, 2000

Attachment 5: Staff report to Planning Commission

#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth Management Goal #1, Accommodate Growth while protecting the character and livability of new and established areas (natural resource protection is identified as one of the action strategies under this goal).

#### FISCAL NOTES

No additional administrative costs are incurred by the amendments, since CWS rather than the City administer them. The City potentially could be subject to Measure 7 claims should the Oregon Supreme Court uphold the legality of Measure 7.

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# Chart I Vegetated Corridor Widths

	Sensitive Area Definition	Slope Adjacent to Sensitive Area	Width of Vegetated Corridor per Side
	Figure 3.1 - Graphic 1		per side
•	Streams with intermittent flow draining:	< 25%	
•	10 to <50 acres		15 feet
•	≥50 to 100 acres		25 feet
•	Existing or created wetlands < 0.5 acre		25 feet
	Figure 3.1 - Graphic 2		
•	Existing or created wetlands ≥ 0.5 acre	<25%	50 feet
•	Rivers, streams, and springs with year round flow		
•	Streams with intermittent flow draining		
	>100 acres		
•	Natural lakes and ponds		
	Figure 3.1 - Graphic 3		
•	Streams with intermittent flow draining:	>25%	
•	10 to <50 acres		30 feet
•	≥50 to 100 acres		50 feet
	Figure 3.1 - Graphic 4		
•	Existing or created wetlands	> 25%	Variable from 50-200 ft
•	Rivers, streams, and springs with year		Measure in 25 foot increments
	round flow		from the starting point to the top
•	Streams with intermittent flow draining		of ravine (break in > 25% slope).
	≥100 acres		add 35 feet past the top of ravine
•	Natural lakes and ponds		•

#### Chart II

# Main Title 3/USA Requirements Compared with Existing City Standards With the more stringent standard highlighted

#### **Title 3/USA Requirements**

#### **Existing City Standards**

Flood Management	
Balanced cut and fill required	Balanced cut and fill required in com & indus zones Floodplain alteration prohibited in residential zones
Maintenance of 1' rise floodway required	Maintenance of zero-rise floodway required
Floor elevation 1' above floodplain, measured from bottom of floor beam	Floor elevation 1' above floodplain, measured from top of floor
Storage of uncontained hazardous materials prohibited	No local regulation
Use of flood zone data newer than existing 1981-84 FEMA maps required, if available	Fanno Creek basin floodplain updated 2000; Tualatin River and tributaries not updated
Encourages bridges vs. culverts & stream crossing perpendicular to the stream	No local regulation
Water Quality Protection	
Imposes variable 50-200' vegetated corridor around perennial streams, wellands, lakes, springs, & intermittent streams draining more than 100 ac.;	City imposes fixed 25-75' corridors: 75' along Tualatin R 50' along Fanno, Ball, and Ash Creeks 25' along Summer, N Ash, Red Rock, D Dell Cks
Riparian slopes of 25% protected up to 200' from stream edge	City limits but does not restrict development of 25% slopes outside riparian buffer
Protects intermittent streams and imposes vegetated corridor: - those draining 10-50 acres get 15' buffer - those draining 50-100 acres get 25' buffer	City does not protect intermittent streams; replacement of intermittent streams by public facility allowed
Protects wetlands smaller than 0.5 acres and imposes 25' buffer	Same protection and buffer
Wetlands identified by definition	Wetlands identified by map
Restoration to good condition of first 50' of vegetated corridor required	Restoration of first 25' of vegetated corridor required
Clearing or removal of vegetation within vegetated corridor prior to development prohibited	Clearing of area within 25', 50', and 75' corridors prohibited
Flexibility provisions include: - averaging of 20% of frontage by 20% of width of degraded buffer - reduction by 20% of 125-200' degraded buffer - reduction to 15' of buffer extending 35' from top of ravine, with geotech report - Tier 1 Alternatives Analysis for degraded buffer with encroach up to 40% of length by 30% of width - Tier 2 Alternatives Analysis for (a) sensitive area,	Flexibility provisions include: - 50% reduction of degraded buffer along Tualatin R., Fanno, N Ash, & Ball Creeks - underlying zone adjustments up to 50% - hardship or taking variance - comp plan amendment (ESEE analysis) for (a) sensitive area, (b) good condition corridor, or (c) degraded buffer encroachment beyond 50% of width

(b) good condition buffer, and (c) degraded buffer encroachment beyond Tier I %; includes hardship variance	
Exception for roads, paths, utilities, hazards, safety violations, replacement of existing development	Same exceptions relative to buffer encroachment, - Comp plan amendment required for sensitive area encroachment
Density transfer allowed for area within vegetated corridor	Transfer of residential units allowed for area within 25-75' corridor, plus 25% slope and floodplain, if wider
Multiple lot development required to place buffer area in separate tract - Physical separation (fencing) may be required - No-touch easement may be required vis-a-vis buffers of all development types	Same separate tract requirement for multiple lot development
Erosion control measures required	Erosion control required

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#### CITY OF TIGARD, OREGON

#### ORDINANCE NO. 02-

AN ORDINANCE AMENDING CHAPTERS 18.775 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, SECTION 4 OF THE TIGARD COMPREHENSIVE PLAN

WHEREAS, the City currently protects sensitive lands under Chapter 18.775 of the Municipal Code and protects water resources under Chapter 18.797 of the Municipal Code; and

WHEREAS, Chapter 18.775 and 18797 overlap and are not totally consistent; and

WHEREAS, the City is required to comply with Title 3 of the Metro Urban Growth Functional Plan; and

WHEREAS, additional protections of environmentally sensitive areas are needed to ensure a healthy environment; and

WHEREAS, the City Council has determined that Chapter 18.775 and 18.797 should be amended to avoid overlap and inconsistencies and to provide protection for natural resources while protecting private property rights; and

WHEREAS, the City Council has determined that Section 4 of the Tigard Comprehensive Plan, Volume II, should be amended to add Clean Water Services to the list of government entities listed referenced in Water Quality Policy 4.2.1; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 6, 2000, on the proposed amendments to Chapter 18.775 and 18.797 of the TMC and Section 4 of the Tigard Comprehensive Plan, and voted to forward the changes to the City Council without a recommendation; and

WHEREAS, the City Council held a public hearing on the proposed amendments to Chapter 18.775 and 18.797 on March 26, 2002, and considered comments on the proposed amendments; and

WHEREAS, the amendments are consistent with applicable statewide planning goals and applicable Comprehensive Plan policies, as detailed in the staff report,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Municipal Code Chapter 18.775 is amended as shown in Exhibit "A" to this ordinance.

SECTION 2: The Tigard Municipal Code Chapter 18.797 is amended as shown in Exhibit "B" to this ordinance.

SECTION 3: The Tigard Comprehensive Plan, Volume II Section 4 is amended as shown in Exhibit "C" to this ordinance.

SECTION 4:	The findings in support of the amendments contained in the staff report dated November 6, 2000, are adopted by this reference.		
SECTION 5:	Article I, Section 18 of the Oreg of Municipal Code Chapters 18. modify application or enforcen suspension, or modification resuspension, or modification resuspension, or modification resuspension, or modification resuspension, or modification resuspension.	ast compensation is made against the City pursuant to on Constitution based on the application or enforcement 775 or 18.797, the City Council may waive, suspend, or nent of those chapters. In the event that the waiver, sults in a state statute or regulation becoming directly e state law as required. In the event that the waiver, lts in any provision of the Metro code becoming directly the applicable provision of the Metro Code.	
SECTION 6:	This ordinance shall be effective the Mayor, and posting by the C	e 30 days after its passage by the Council, signature by ity Recorder.	
PASSED:	By vote of a and title only, this day of _	all Council members present after being read by number, 2002.	
		Catherine Wheatley, City Recorder	
APPROVED:	By Tigard City Council this	day of	
		James E. Griffith, Mayor	
Approved as to fe	orm:		
City Attorney			
Date			
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#### Chapter 18.775 SENSITIVE LANDS

#### Sections:

18.775.010	Purpose
18.775.020	Applicability of Uses: Permitted, Prohibited, and Nonconforming
18.775.030	Administrative Provisions
18.775.040	General Provisions for Floodplain Areas
18.775.050	General Provisions for Wetlands
18.775.060	<b>Expiration of Approval: Standards for Extension of Time</b>
18.775.070	Sensitive Land Permits
<del>18.775.080</del>	<b>Exception for Development of the 108th/113th Ravine below the 140 Feet Elevation</b>
18.775.0 <del>90</del> 80	Application Submission Requirements
18.775.090	Special Provisions for Development along the Tualatin River, Fanno Creek, Ball
	Creek, and the South Fork of Ash Creek
18.775.100	Adjustments to Underlying Zone Setback Standards
18.775.110	Density Transfer
18.775.120	Variances to Section 18.775.090 Standards
18.775.130	Plan Amendment Option

#### **18.775.010** Purpose

- A. <u>Maintain integrity of rivers, streams, and creeks</u>. Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in Tigard by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.
- B. <u>Implement comprehensive plan and floodplain management program</u>. The regulations of this chapter are intended to implement the comprehensive plan and the city's flood plain management program as required by the National Flood Insurance Program, and help to preserve natural sensitive land areas from encroaching use, and to maintain the September 1981 and, where revised, the March 20, 2000, zero-foot rise floodway elevations.
- C. <u>Implement Clean Water Service (CWS) Design and Construction Standards.</u> The regulations of this chapter are intended to protect the beneficial uses of water within the Tualatin River Basin in accordance with the CWS "Design and Construction Standards", as adopted 02/07/00.
- D. Implement the Metro Urban Growth Management Functional Plan. The regulations of this chapter are intended to protect the beneficial water uses and functions and values of resources within water quality and flood management areas and to implement the performance standards of the Metro Urban Growth Management Functional Plan.
- E. <u>Implement Statewide Planning Goal 5 (Natural Resources)</u>. The regulations in this chapter are intended to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule pertaining to wetland and riparian corridors.

- C.F. <u>Protect public health, safety, and welfare</u>. Sensitive land areas are designated as such to protect the public health, safety, and welfare of the community through the regulation of these sensitive land areas.
- D.G. <u>Location</u>. Sensitive lands are lands potentially unsuitable for development because of their location within:
  - 1. The 100-year floodplain or 1996 flood inundation line, whichever is greater;
  - 2. Natural drainageways;
  - 3. Wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, or are designated as significant wetland on the Comprehensive Plan Floodplain and Wetland Map City of Tigard "Wetland and Stream Corridors Map"; and
  - 4. Steep slopes of 25% or greater and unstable ground.

#### 18.775.020 Applicability of Uses: Permitted, Prohibited, and Nonconforming

- A. <u>CWS Stormwater Connection permit</u>. All proposed "development", must obtain a Stormwater Connection Permit from CWS pursuant to its "Design and Construction Standards". As used in this chapter, the meaning of the word "development" shall be as defined in the CWS "Design and Construction Standards": all human-induced changes to improved or unimproved real property including:
  - 1. Construction of structures requiring a building permit, if such structures are external to existing structures;
  - 2. Land division;
  - 3. Drilling;
  - 4. Site alterations resulting from surface mining or dredging,
  - 5. Grading;
  - 6. Construction of earthen berms;
  - 7. Paving;
  - 8. Excavation; or
  - 9. Clearing when it results in the removal of trees or vegetation which would require a permit from the local jurisdiction or an Oregon Department of Forestry tree removal permit.
  - 10. The following activities are not included in the definition of development:
    - a. Farming activities when conducted in accordance with accepted farming practices as defined

in ORS 30.930 and under a Senate Bill 1010 water quality management plan;

- b. Construction, reconstruction, or modification of a single family residence on an existing lot of record within a subdivision that was approved by the City or County after 09/09/95 (from ORS 92.040(2)); and
- c. Any development activity for which land use approvals have been issued pursuant to a land use application submitted to the City or County on or before 02/04/2000 and deemed complete or before 03/15/00.
- A.B. Outright permitted uses with no permit required. Except as provided below and by Subsections A, D, F and G below, the following uses are outright permitted uses within the 100-year floodplain, drainageways, slopes that are 25% or greater, and unstable ground when the use does not involve paving. For the purposes of this chapter, the word "structure" shall exclude: children's play equipment, picnic tables, sand boxes, grills, basketball hoops and similar recreational equipment.
  - 1. Accessory uses such as lawns, gardens, or play areas; except in (a.) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the "CWS "Design and Construction Standards" or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.90.
  - 2. Farm uses conducted without locating a structure within the sensitive land area; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.
  - 3. Community recreation uses, excluding structures; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.
  - 4. Public and private conservation areas for water, soil, open space, forest, and wildlife resources;
  - 5. Removal of poison oak, tansy ragwort, blackberry, English ivy, or other noxious vegetation;
  - 6. Maintenance of floodway excluding re-channeling; except in (a) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (b) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.
  - 7. Fences, except in: (a) the floodway area, (b) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.
  - 8. Accessory structures which are less than 120 square feet in size, except in: (a) the floodway area, (b) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.
  - 9. Land form alterations involving up to 10 cubic yards of material, except in: (a) the floodway area or in (b) a Water Quality Sensitive Area or Vegetated Corridor, as defined in the CWS "Design and Construction Standards", or (c) the Statewide Goal 5 vegetated corridor established for the Tualatin River, as defined in 18.775.090.

- B C. Exemptions. When performed under the direction of the City, and in compliance with the provisions of the City of Tigard Standards and Specifications for Riparian Area Management, on file in the Engineering Division, the following shall be exempt from the provisions of this section:
  - 1. Responses to public emergencies, including emergency repairs to public facilities;
  - 2. Stream and wetlands restoration and enhancement programs;
  - 3. Non-native vegetation removal;
  - 4. Planting of native plant species; and
  - 5. Routine maintenance or replacement of existing public facilities projects.
- A. Jurisdictional wetlands. Landform alterations or developments which are only within wetland areas that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers, Division of State Lands, Unified Sewerage Agency CWS, and/or other federal, state, or regional agencies, and are not designated as significant wetlands on the City of Tigard "Wetland and Streams Corridors Map", do not require a sensitive lands permit. The City shall require that all necessary permits from other agencies are obtained. All other applicable City requirements must be satisfied, including sensitive land permits for areas within the 100-year floodplain, slopes of 25% or greater or unstable ground, drainageways, and wetlands which are not under state or federal jurisdiction.

#### C. E. Administrative sensitive lands review.

- 1. Administrative sensitive lands permits in the 100-year floodplain, drainageway, slopes that are 25% or greater, and unstable ground shall be obtained from the appropriate community development division for the following:
  - a. The City Engineer shall review the installation of public support facilities such as underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights, and driveway aprons by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
  - b. The City Engineer shall review minimal ground disturbance(s) or landform alterations involving 10 to 50 cubic yards of material, except in the floodway area, for land that is within public easements and rights-of-way by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
  - c. The Director shall review minimal ground disturbance(s) or landform alterations involving 10 to 50 cubic yards of material, except in the floodway area by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;
  - d. The Director shall review the repair, reconstruction, or improvement of an existing structure or utility, the cost of which is less than 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter;

- e. The Building Official shall review building permits for accessory structures which are 120 to 528 square feet in size, except in the floodway area; and
- f. The Director shall review applications for paving on private property, except in the floodway area by means of a Type I procedure, as governed by Section 18.390.030 subject to compliance with all of the standards in this Chapter.
- 2. The responsible community development division shall approve, approve with conditions, or deny an application for a development permit, as described above, based on the standards set forth in sections 18.775.050, 18.775.070, and 18.775.080.

#### E.F. Sensitive lands permits issued by the Director.

- 1. The Director shall have the authority to issue a sensitive lands permit in the following areas by means of a Type II procedure, as governed in Section 18.390.040, using approval criteria contained in Section 18.775.070:
  - a. Drainageways;
  - b. Slopes that are 25% or greater or unstable ground; and
  - c. Wetland areas which are not regulated by other local, state, or federal agencies and are designated as significant wetlands on the Comprehensive Plan Floodplain and Wetland Map City of Tigard "Wetland and Streams Corridors Map".
- 2. Sensitive lands permits shall be required for the areas in Section 18.775.020 D1 above when any of the following circumstances apply:
  - a. Ground disturbance(s) or land form alterations involving more than 50 cubic yards of material;
  - b. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction;
  - c. Residential and non-residential structures intended for human habitation; and
  - d. Accessory structures which are greater than 528 square feet in size, outside floodway areas.

### E.G. Sensitive lands permits issued by the Hearings Officer.

- 1. The Hearings Officer shall have the authority to issue a sensitive lands permit in the 100-year floodplain by means of a Type IIIA procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.775.070.
- 2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:
  - a. Ground disturbance(s) or landform alterations in all floodway areas;

- b. Ground disturbance(s) or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;
- c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
- d. Structures intended for human habitation; and
- e. Accessory structures which are greater than 528 square feet in size, outside of floodway areas.
- F.H. Other uses. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on sensitive land areas.
- G.I. Nonconforming uses. A use established prior to the adoption of this title, which would be prohibited by this Chapter or which would be subject to the limitations and controls imposed by this Chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 18.760.

#### 18.775.030 Administrative Provisions

- A. <u>Interagency Coordination</u>. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.
  - 1. As governed by CWS "Design and Construction Standards", the necessary permits for all "development", as defined in 18.775.020.A above, shall include a CWS Service Provider Letter, which specifies the conditions and requirements necessary, if any, for an applicant to comply with CWS water quality protection standards and for the Agency to issue a Stormwater Connection Permit.

#### B. Alteration or relocation of water course.

- 1. The Director shall notify communities adjacent to the affected area and the State Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration:
- 2. The Director shall require that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
- C. <u>Apply Standards</u>. The appropriate approval authority shall apply the standards set forth in Sections 18.775.040, and 18.775.070 when reviewing an application for a sensitive lands permit.
- D. <u>Elevation and flood-proofing certification</u>. The appropriate approval authority shall require that the elevations and flood-proofing certification required in Subsection E below be provided prior to occupancy or final approval of all new or substantially improved structures permit issuance and verification upon occupancy and final approval.
- E. Maintenance of records.

- 1. Where base flood elevation data is provided through the Flood Insurance Study, the Building Official shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- 2. For all new or substantially improved flood-proofed structures, the Building Official shall:
  - a. Verify and record the actual elevation (in relation to mean sea level); and
  - b. Maintain the flood-proofing certifications required in this chapter.
- 3. The Director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

#### 18.775.040 General Provisions for Floodplain Areas

- A. <u>Permit review</u>. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will be <u>safe from flooding</u> minimize the potential for flood damage.
- B. Special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of Tigard," dated September 1, 1981, with accompanying Flood Insurance Maps (updated February 1984), is hereby adopted by reference and declared to be a part of this chapter, except where revised by the "Fanno Creek Watershed Flood Insurance Restudy; Final 100-Year Floodplain, Zero-Rise Floodway, and Base Map Elevations; City of Tigard, 3/20/00", which also is hereby adopted by reference and declared to be part of this chapter. These Flood Insurance Studies are on file at the Tigard Civic Center.
- C. <u>Base flood elevation data</u>. When base flood elevation data has not been provided in accordance with Subsection B above, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsections M and N below).
- D. <u>Test of reasonableness</u>. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that the potential for flood damage to the proposed construction will be reasonably safe from flooding minimized. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these sensitive land areas may result in higher insurance rates.
- E. <u>Resistant to flood damage</u>. All new construction and substantial improvements, including manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.
- F. <u>Minimize flood damage</u>. All new construction and substantial improvements, including manufactured homes, shall be constructed using methods and practices that minimize flood damage.
- G. <u>Equipment protection</u>. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- H. <u>Water Supply Systems</u>. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- I. <u>Anchoring</u>. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- J. <u>Sanitary sewerage systems</u>. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater.
- K. <u>On-site water disposal systems</u>. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### L. Residential Construction.

- 1. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including the basement, elevated at least one foot above base flood elevation;
- 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.
- Manufactured homes shall be securely anchored to an adequately anchored permanent foundation system. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- M. <u>Nonresidential Construction</u>. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:
  - 1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this

- subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Building Official as set forth in Subsection 18.775.030 E2; and
- 4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 18.775.040 L2. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- N. <u>Subdivisions and partitions in 100-year floodplain</u>. Subdivisions and partitions in the 100-year floodplain shall meet the following criteria:
  - 1. The design shall minimize the potential for flood damage;
  - 2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed so as to minimize flood damage;
  - 3. Adequate drainage shall be provided to reduce exposure to flood damage; and
  - 4. For subdivisions or partitions which contain more than 50 lots or 5 acres and where base flood elevation data is not available from the Federal Emergency Management Agency (FEMA) or another authoritative source, the applicant shall generate base flood elevation data to be reviewed as part of the application.

#### **18.775.050** General Provisions for Wetlands

- A. Code compliance requirements. Wetland regulations apply to those areas meeting the definition of wetland in Chapter 18.120 of the Community Development Code classified as significant on the City of Tigard Wetland and Streams Corridors Map, areas meeting Division of State Lands wetland criteria and to land adjacent to and within 25 of a wetland and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, per "Table 3.1 Vegetated Corridor Widths" and "Appendix C: Natural Resource Assessments" of the CWS "Design and Construction Standards". Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.
- B. <u>Delineation of wetland boundaries</u>. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

#### 18.775.060 Expiration of Approval: Standards for Extension of Time

- A. Voiding of permit. Approval of a sensitive lands permit shall be void if:
  - 1. Substantial construction of the approved plan has not begun within a one-and-one-half year period; or
  - 2. Construction on the site is a departure from the approved plan.

- B. <u>Granting of extension</u>. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year, provided that:
  - 1. No changes are made on the original plan as approved by the approval authority;
  - 2. The applicant can show intent of initiating construction of the site within the one year extension period; and
  - 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- C. <u>Notice of the decision</u>. Notice of the decision shall be provided to the applicant. The Director's decision may be appealed by the applicant as provided by Subsection 18.32.310.A.

#### 18.775.070 Sens itive Land Permits

- A. <u>Permits required.</u> An applicant who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in Section 18.775.015 D and E. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in Subsections B E below.
- B. Within the 100-year floodplain. The Hearings Officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:
  - 1. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;
  - 2. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.130 of the Community Development Code shall be allowed in areas designated residential subject to applicable zoning standards;
  - 3. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;
  - 4. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the Hearings Officer as untimely;
  - 5. The plans for the pedestrian/bicycle pathway indicate that no pathway will be below the elevation of an average annual flood;
  - 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals shall be obtained; and

- 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the comprehensive plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
- C. <u>With excessive steep slopes</u>. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit on slopes of 25% or greater or unstable ground based upon findings that all of the following criteria have been satisfied:
  - 1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;
  - 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
  - 3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and
  - 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.
- D. <u>Within drainageways</u>. The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:
  - 1. The extent and nature of the proposed land form alteration or development will not create site disturbances to the an extent greater than that required for the use;
  - 2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
  - 3. The water flow capacity of the drainageway is not decreased;
  - 4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;
  - 5. The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;
  - 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and Clean Water Services approvals shall be obtained;
  - 7. Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area

within and adjacent to the floodplain in accordance with the Comprehensive Plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

- E. <u>Within wetlands</u>. The Director shall approve, approve with conditions or deny an application request for a sensitive lands permit within wetlands based upon findings that all of the following criteria have been satisfied:
  - The proposed land form alteration or development is neither on wetland in an area designated as significant wetland on the Comprehensive Plan Floodplain and Wetland Map nor is within 25 feet of the vegetated corridor established per "Table 3.1 Vegetated Corridor Widths" and "Appendix C: Natural Resource Assessments" of the CWS "Design and Construction Standards", for such a wetland:
  - 2. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than the minimum required for the use;
  - 3. Any encroachment or change in on-site or off-site drainage which would adversely impact wetland characteristics have been mitigated;
  - 4. Where natural vegetation has been removed due to land form alteration or development, erosion control provisions of the Surface Water Management program of Washington County must be met and areas not covered by structures or impervious surfaces will be replanted in like or similar species in accordance with Chapter 18.745, Landscaping and Screening;
  - 5. All other sensitive lands requirements of this chapter have been met;
  - 6. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and Clean Water Services approvals shall be obtained;
  - 6.7. The provisions of Chapter 18.790, Tree Removal, shall be met;
  - 7.8. Physical Limitations and Natural Hazards, Floodplains and Wetlands, Natural Areas, and Parks, Recreation and Open Space policies of the Comprehensive Plan have been satisfied.

#### 18.775.080 Exception for Development of the 108th/113th Ravine below the 140 Feet Elevation

- A. <u>Conditions for development</u>. <u>Under the sensitive lands permit process, the appropriate approval authority, as set forth in Sections 18.775.020 B. and D., may allow portions of the ravine at 108th and 113th, designated as a significant wetlands area, to develop provided that all of the following criteria are met:</u>
- 1. All of the land (within the ravine) being considered for development is less than 25% slope;
- 2. There are no unstable soil conditions on the land being considered for development; and
  - 3. Applicable provisions of Section 18.775.070, sensitive lands approval criteria shall be met.

#### 18.775.09080 Application Submission Requirements

- A. <u>Application submission requirements</u>. All applications for uses and activities identified in Subsections 18.775.020 B-E shall be made on forms provided by the Director and must include the following information in graphic, tabular and/or narrative form. The specific information on each of the following is available from the Director:
  - 1. A CWS Stormwater Connection Permit.
  - 1.2. A site plan;
  - 2-3. A grading plan; and
  - 3. 4. A landscaping plan.

# 18.775.090 Special Provisions for Development within Locally Significant Wetlands and along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek

- A. <u>Safeharbor</u>: In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 660-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard Wetland and Streams Corridors Map are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to 18.775.130.
- B. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 660-023-0030) pertaining to <u>riparian corridors</u>, a standard setback distance or vegetated corridor area, measured horizontally from and parallel to the top of bank, is established for the Tualatin River, Fanno Creek, Ball Creek, and the south fork of Ash Creek.
  - 1. The standard width for "good condition" vegetated corridors along the Tualatin River is 75 feet, unless wider in accordance with CWS Design and Construction Standards, or modified in accordance with 18.775.130. If all or part of a locally significant wetland (a wetland identified as significant on the City of Tigard Wetlands and Stream Corridors Map) is located within the 75-foot setback area, the vegetated corridor is measured from the upland edge of the associated wetland.
  - 2. The standard width for "good condition" vegetated corridors along Fanno Creek, Ball Creek, and the south fork of Ash Creek is 50 feet, unless wider in accordance with the CWS Design and Construction Standards, or modified in accordance with 18.775.130. If all or part of a locally significant wetland (a wetland identified as significant on the City of Tigard Wetlands and Stream Corridors Map) is located within the 50 feet setback area, the vegetated corridor is measured from the upland edge of the associated wetland.
  - 3. The minimum width for "marginal or degraded condition" vegetated corridors along the Tualatin River, Fanno Creek, Ball Creek, and the south fork of Ash Creek is 50% of the standard width, unless wider in accordance with CWS Design and Construction Standards, or modified in accordance with 18.775.130.
  - 4. The determination of corridor condition shall be based on the Natural Resource Assessment guidelines contained in the CWS Design and Construction Standards.

- 5. The standard setback distance or vegetated corridor area applies to all development proposed on property located within or partially within the vegetated corridors, except as allowed below:
  - a. Roads, pedestrian or bike paths crossing the vegetated corridor from one side to the other in order to provide access to the sensitive area or across the sensitive area, as approved by the City per 18.775.070 and by CWS per the CWS "Design and Construction Standards";
  - b. Utility/service provider infrastructure construction (i.e. storm, sanitary sewer, water, phone, gas, cable, etc.), if approved by the City and CWS;
  - c. A pedestrian or bike path, not exceeding 10 feet in width and meeting the CWS "Design and Construction Standards";
  - d. Grading for the purpose of enhancing the vegetated corridor, as approved by the City and CWS:
  - e. Measures to remove or abate hazards, nuisances, or fire and life safety violations, as approved by the regulating jurisdiction;
  - f. Enhancement of the vegetated corridor for water quality or quantity benefits, fish, or wildlife habitat, as approved by the City and CWS;
  - g. Measures to repair, maintain, alter, remove, add to, or replace existing structures, roadways, driveways, utilities, accessory uses, or other developments provided they are consistent with City and CWS regulations, and do not encroach further into the vegetated corridor or sensitive area than allowed by the CWS "Design and Construction Standards".
- 6. Land form alterations or developments located within or partially within the Goal 5 safeharbor setback or vegetated corridor areas established for the Tualatin River, Fanno Creek, Ball Creek, and the south fork of Ash Creek that meet the jurisdictional requirements and permit criteria of the Clean Water Services, U.S. Army Corps of Engineers, Division of State Lands, and/or other state federal, state, or regional agencies, are not subject to the provisions of subsection 18.775.090.B, except where the:
  - a. Land form alterations or developments are located within or partially within a good condition vegetated corridor, as defined in 18.775.090.B.1 and 2;
  - b. Land form alterations or developments are located within or partially within the minimum width area established for marginal or a degraded condition vegetated corridor, as defined in 18775.090.B.3.

These exceptions reflect instances of the greater protection of riparian corridors provided by the safe harbor provisions of the Goal 5 administrative rule.

#### 18.797.110 18.775.100 Adjustments to Underlying Zone Setback Standards

In contrast to variances to the standards of the WR overlay district, Adjustments to dimensional standards of the underlying zone district may be approved by the Planning Director when necessary to further the intent-purpose of this overlay district chapter section.

A. <u>Adjustment option</u>. The Planning Director may approve up to a 50% adjustment to any dimensional standard (e.g., setback, height or lot area) of the underlying zoning district to allow development consistent with the purposes of the <u>WR overlay district chapter this section</u>. The purpose of the adjustment process is to reduce adverse impacts on wetlands, stream corridors, fish and wildlife habitat, water quality and the potential for slope of flood hazards.

- B. Adjustment criteria. A special WR overaly district adjustment to the standards in the underlying zoning district may be requested under Type II procedure when development is proposed within or adjacent to the WR overlay district vegetated corridor area. In order for the Director to approve a dimensional adjustment to standards in the underlying zoning district, the applicant shall demonstrate that all of the following criteria are fully satisfied:
  - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to a water resource, riparian setback area or water quality buffer.
  - 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on unbuildable land.
  - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of the residence close to the street to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking areas and garage space.
  - 4. In no case shall the impervious surface area as a single-family residence (including the building footprint, driveway and parking areas, accessory structures, swimming pools and patios) exceed 3,000 square feet of riparian setback or water quality buffer area a vegetated corridor area.
  - 5. Assurances are in place to guarantee that future development will not encroach further on land under the same ownership within the WR overlay district vegetated corridor area.

The Planning Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise unbuildable land.

#### 18.797.120 18.775.110 Density Transfer

<u>Density transfer</u>. Density may be transferred from <del>water resource and riparian setback vegetated corridor</del> areas as provided in Section 18.715.020-030.

#### 18.797.130 18.775.120 Variances to Section 18.775.090 Standards

Variances to the use provisions of Section 18.797.050 18.775.090 are not permitted. Variances from measurable (dimensional) provisions of this chapter section shall be discouraged and may be considered only as a last resort.

- A. <u>Type III variance option</u>. The Hearings Officer shall hear and decide variances from dimensional provisions of this chapter under Type III procedure, in accordance with the criteria in Chapter 18.370 of the zoning ordinance.
- B. <u>Additional criteria</u>. In addition tot he general variance criteria described in Chapter 18.370, all of the following additional criteria must be met to grant a variance to any dimensional provision of this chapter:
  - 1. The variance is necessary to allow reasonable economic use of the subject parcel of land, which is owned by the applicant, and which was not created after the effective date of this chapter;

- 2. Strict application of the provisions of this chapter would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application;
- 3. The applicant has exhausted all options available under this chapter to relieve the hardship;
- 4. Based on review of all required studies identical to those described in Section 18.797.060 3.02.5.c Tier 2 Alternatives Analysis of the CWS "Design and Construction Standards", the variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality;
- 5. Based on review of all required studies identical to those described in Section 18.797.060 3.02.5 of the CWS "Design and Construction Standards", no significant adverse impacts on water quality, erosion or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible;
- 6. Loss of vegetative cover shall be minimized. Any lost vegetative cover shall be replaced on-site, on a 1-to-1 square foot for square foot basis, by native vegetation.

### **18.797.140 18.775.130** Plan Amendment Option

Any owner of property affected by the Goal 5 safehabor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the south fork of Ash Creek may apply for a quasi-judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS stormwater connection permit, which must be addressed separately through an Alternatives Analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards". The applicant shall demonstrate that such an amendment is justified by either of the following:

- A. <u>ESEE analysis</u>. The applicant may prepare an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.
  - 1. The analysis shall consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and in comparison with other comparable sites within he Tigard Planning Area;
  - 2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
  - 3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning area that can meet the specific needs of the proposed use;
  - 4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;

- 5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the Tigard Wetland and Stream Corridor Map shall be amended to remove the site from the inventory.
- B. <u>Determination of "insignificance."</u> In this case, the applicant must demonstrate that the water resource—sensitive area site(s) no longer meet(s) the applicable significance threshold defined by the Goal 5 administrative rule, relative to other comparable resources within the Tigard Planning Area.
  - 1. Significance thresholds are described and applied in the addendum to the City of Tigard Local Wetlands Inventory adopted by reference as part of this chapter.
  - 2. In considering this claim, the Council shall determine that the decline in identified resource values did not result from a violation of this chapter or any other provision of the Tigard Community Development Code.

### CHAPTER 18.797 WATER RESOURCES (WR) OVERLAY DISTRICT

#### **Sections:**

1 <del>8.797.010</del>	<del>-Purpose</del>
1 <del>8.797.020</del>	— Definitions
1 <del>8.797.030</del>	Applicability and Generalized Mapping
1 <del>8.797.040</del>	Exception for Developed Single-Family Residential Subdivision Lots
1 <del>8.797.050</del>	Permitted, Conditional and Prohibited Uses
1 <del>8.797.060</del>	Application Requirements
1 <del>8.797.070</del>	Decision Options and Conditions
1 <del>8.797.080</del>	Development Standards
1 <del>8.797.090</del>	Abutting Lot Area Reductions
1 <del>8.797.100</del>	Riparian Setback Reductions
1 <del>8.797.110</del>	Adjustments to Underlying Zone Setback Standards
1 <del>8.797.120</del>	Density Transfer
1 <del>8.797.130</del>	Variances to Chapter 18.797 Standards
1 <del>8.797.140</del>	Plan Amendment Option

#### 18.797.010 **Purpose**

- A. General. The Water Resources (WR) overlay district implements the policies of the Tigard Comprehensive Plan and is intended to resolve conflicts between development and conservation of significant wetlands, streams and riparian corridors identified in the City of Tigard Local Wetlands Inventory. Specifically, this chapter allows reasonable economic use of property while establishing clear and objective standards to: protect significant wetlands and streams; limit development in designated riparian corridors; maintain and enhance water quality; maximize flood storage capacity; preserve native plant cover; minimize streambank erosion; maintain and enhance fish and wildlife habitats; and conserve scenic, recreational and educational values of water resource areas.
- B. <u>Safe harbor</u>. The WR overlay district also meets the requirements of Statewide Planning Goal 5 (Natural Resources) and the "safe harbor" provisions of the Goal 5 administrative rule (OAR 660, Division 23). These provisions require that "significant" wetlands and riparian corridors be mapped and protected.

#### **18.797.020 Definitions**

- A. Definitions. The definitions of OAR 660 23 090(1) are incorporated herein by reference.
  - 1. The "riparian corridor" includes a river or a major stream, associated wetlands, and the "riparian setback" area;
  - The "riparian setback area" is measured horizontally from and parallel to major stream or Tualatin River top of banks, or the edge of an associated wetland (see definition under K.2.), whichever is greater. The riparian setback is the same as the "riparian corridor boundary" in OAR 660 23 090(1)(d).
    - a. The standard Tualatin River riparian setback is 75 feet, unless modified in accordance with this chapter;

- b. The major streams riparian setback is 50 feet, unless modified in accordance with this chapter;
- e. Isolated wetlands and minor streams (including adjacent wetlands) have no riparian setback; however, a 25 foot "water quality buffer" is required under Unified Sewerage Agency (USA) standards adopted and administered by the City of Tigard.
- 3. "Disturbed areas" are identified portions of the riparian setback area that are devoid of vegetation or which are overgrown with non-native or invasive plant species, such as English ivy or Himalayan blackberry. In contrast, identified portions of the riparian setback area that are dominated by native plant species are not disturbed;
- 4. "Mitigation plan" means a detailed plan to compensate for identified adverse impacts on water resources, riparian setback areas or water quality buffers that result from alteration, development, excavation or vegetation removal within the WR overlay district. A mitigation plan must be prepared by recognized experts in fish and wildlife biology, native plants, and hydrological engineering, and (usually) re-planting with native plant species;
- 5. The Tualatin River is mapped as a fish bearing stream by the Oregon Department of Forestry and has an average annual flow of more than 1000 cfs;
- 6. "Major streams" are mapped as "fish bearing streams" by the Oregon Department of Forestry and have an average annual flow less than 1000 cubic feet per second (cfs);
  - a. Major streams in Tigard include Fanno Creek, Ash Creek (except the north fork and other tributary creeks) and Ball Creek;
  - b. In contrast, the Tualatin River, which is also a "fish bearing stream," has an average annual flow of more than 1000 cfs.
- 7. "Minor streams" are not "fish bearing streams" according to Oregon Department of Forestry maps. Minor streams in Tigard include Summer Creek, Derry Dell Creek, Red Rock Creek, North Fork of Ash Creek and certain short tributaries of the Tualatin River;
- 8. "Native plant species" are those listed on the Portland Plant List, which is incorporated by reference into this chapter;
- 9. "Top of bank" usually means a clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage" as defined in OAR 141-85-010(2): It is the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two year recurrence interval flood elevation may be used to approximate the bankfull stage;
- 10. The "Tigard Wetlands and Riparian Corridors Map" identifies all "significant" water resources within the Tigard Planning Area, including the Tualatin River corridor, all major stream corridors, minor streams and isolated wetlands. This generalized, composite map is based on the City of Tigard Local Wetlands Inventory (LWI) prepared by Fishman Environmental Services, 1994, hereby adopted by reference. All water resources identified as significant on the Tigard Wetlands and Riparian Corridors Map meet the Division of State Lands (DSL) definition of a "Locally Significant Wetland;"

- 11. A "Wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions;
  - a. A "Significant Wetland" is a wetland, or a significant but non fish bearing stream, which appears on the City of Tigard Wetlands and Riparian Corridors Map;
  - b. An "Associated Wetland" is a significant wetland, all or part of which is (a) within 75 feet of the Tualatin River top of bank
  - , or (b) within 50 feet of any major stream top-of-bank;
  - c. An "Isolated Wetland" is a significant wetland, all of which is located outside of the riparian setback;
  - d. A "Non Significant Wetland" is a wetland that does not meet the Division of State Lands definition of a Locally Significant Wetland and which, therefore, does not appear on the City of Tigard Wetlands and Riparian Corridors Map. Non significant wetlands are not regulated by this chapter, but do require DSL notification under ORS 227.350.

#### 18.797.030 Applicability and Generalized Mapping

- A. <u>WR overlay district application.</u> The WR overlay district applies to all significant wetlands and streams, and applicable riparian setback and water quality buffer areas, that appear on the Tigard Wetlands and Stream Corridors Map. The standards and procedures of this chapter:
  - 1. Apply to all development proposed on property located within, or partially within, the WR overlay district;
  - 2. Are in addition to the standards of the underlying zone; and
  - 3. In cases of conflict, supersede the standards of the underlying zone.
- B. The Tigard wetlands and stream corridors map. The Tigard wetlands and stream corridors map identifies, generally, the tops of bank, wetland edges, riparian setbacks and water quality buffers for the following significant water resources:
  - 1. The Tualatin River riparian corridor;
  - 2. Major stream riparian corridors;
  - 3. Minor streams; and
  - 4. Isolated wetlands.
- C. <u>Standard riparian setbacks and USA water quality buffers</u>. The applicant shall be responsible for surveying and mapping the precise location of the top of bank, wetland edge, riparian setback and/or USA water quality buffer at the time of application submittal.
  - 1. The required water quality buffer and riparian setback area shall be retained in one or more parcels that is separate from abutting buildable lots;

2. Table 18.797.1 summaries standard riparian setbacks and water quality buffers that apply to significant water resources within the WR overlay zone;

## TABLE 18.797.1 -RIPARIAN SETBACKS AND WATER QUALITY BUFFERS

SIGNIFICANT WATER RESOURCE TYPE	WR STANDARD RIPARIAN SETBACK1	USA STANDARD WATER QUALITY BUFFER2
Tualatin River & associated wetlands	75 feet	25 feet
Major streams & associated wetlands	50 feet	25 feet
Developed subdivision lot exception (major streams & associated wetlands)	25 feet	25 feet
Minor streams & adjacent/isolated wetlands	Not applicable	25 feet

<sup>1</sup> Measured in feet from the top-of-bank or the associated wetland edge, whichever is greater.

- Adjustments to these boundaries may be approved pursuant to Sections 18.797.140, 18.797.100, 18.797.130 and/or 18.797.140.
- D. <u>Division of State Lands notification required.</u> In addition to the restrictions and requirements of this Section, all proposed development activities within any wetland are also subject to Oregon Division of State Lands (DSL) standards and approval. Where there is a difference, the more restrictive regulation shall apply. The applicant shall be responsible for notifying DSL whenever any portion of any wetland is proposed for development, in accordance with ORS 227.350. No application for development will be accepted as complete until documentation of such notification is provided.
- E. <u>Unified Sewerage Agency standards applicable</u>. All development activities proposed within 25 feet of any wetland or stream are subject to USA standards and approval.

#### 18.797.040 Exception for Developed Single-Family Residential Subdivision Lots

Tigard has many approved residential subdivisions, where the side or rear yards have been cleared of riparian vegetation, and developed or planted in lawns.

- A. <u>Method of identifying developed subdivision lots.</u> Developed subdivision lots were identified based on a comprehensive analysis of aerial photographs.
- B. <u>25 Foot riparian setback applicable.</u> The Tigard Wetlands & Stream Corridors Map shows a 25 foot riparian setback for developed subdivision lots, because:
  - 1. Water resource values have already been substantially degraded, and maintenance of the 50 foot riparian setback would not serve the purposes of this chapter; and
  - 2. Equal protection of the identified major stream resource is ensured by retaining a 25 foot riparian setback and reliance on the USA maximum water quality buffer.

<sup>2</sup>-Measured in feet from the stream top-of-bank or the wetland edge, whichever is greater.

C. <u>Type I review procedure.</u> The location of structures on identified developed subdivision lots shall be approved under Type I procedure, provided that such structures are located at least 25 feet from the top of bank or the associated wetland edge.

#### 18.797.050 Permitted, Conditional and Prohibited Uses

- A. <u>DSL approval required.</u> Development proposed within any wetland or stream, in addition to meeting the standards of this chapter, shall also be approved by DSL.
- B. <u>USA buffer standards applicable</u>. Development proposed within 25 feet of any wetland or stream shall also be approved by the City, which administers USA standards. Compliance with USA/City standards is necessary but not sufficient for compliance with this chapter.

#### [relocated to 18.775.20.C]

- C. <u>City of Tigard exemption.</u> When performed under the direction of the City, and in compliance with the provisions of the City of Tigard Standards and Specifications for Riparian Area Management, on file in the Engineering Division, the following shall be exempt from the provisions of this chapter:
  - 1. Public emergencies, including emergency repairs to public facilities;
  - 2. Stream and wetlands restoration and enhancement programs;
  - 3. Non-native vegetation removal;
  - 4. Planting of native plant species; and
  - Routine maintenance or replacement of existing public facilities projects.
- D. Permitted and conditional uses. Table 18.797.2 below summarizes permitted, conditional and prohibited uses within the WR district. A "Yes" indicates that the use is permitted in the case of Type I uses, is allowed under prescribed conditions in the case of Type II uses, or may be approved subject to discretionary criteria under Type III standards (for descriptions of Type I, II and III see 18.797.060. A "No" indicates that the use is not permitted. A use that is not permitted may not be approved through the variance provisions of this chapter.

### TABLE 18.797.2 WATER RESOURCES OVERLAY DISTRICT USE LIST

#### REGULATED ACTIVITY & PROCEDURE TYPE **Type I -- Permitted Uses with Mitigation** Riparian **Minor Streams Mitigation Plan** Setback Area Isolated Wetlands Required? Yes Yes No Determination of Water Resource and Riparian Setback boundaries Low impact, passive, or water related recreation Yes No No facilities and trails including, but not limited to, viewing shelters, picnic tables, nature trails and interpretive signs Yes Yes No -Irrigation pumps Yes Yes No -Replacement of existing structures with new structures that do not disturb any additional riparian e) Removal of non-native vegetation and replacement Yes Yes Yes with native plant species, no closer than 10' from the top-of-bank or edge of wetland Yes Yes No Removal of vegetation necessary for hazard prevention (dangerous trees) Perimeter mowing of existing cultivated lawns Yes Yes No -Canoe and non-motorized boat launches less than Yes No No 10' in width Repair and maintenance of existing facilities Yes Ves No **Minor Streams Mitigation Plan Type II Permitted Uses with Mitigation** Riparian where no reasonable alternative exists Setback Area Isolated Wetlands Required? Adjustments to numeric standards of the Yes Yes Yes underlying zone necessary to reduce impacts on wetlands and streams Not applicable b) Reduction in Riparian Setback boundary Ves Ves Public facilities that appear on the City's Ves Ves Yes Public Facilities Plan Local streets and driveways serving residences Yes Yes Ves

and public facilities

SE Update: 01/00

<del>e)</del>	Underground public drainage facilities	Yes	Yes	<del>Yes</del>
f)	Utility crossings	Yes	Yes	Yes
<del>g)</del>	Underground utilities	Yes	Yes	Yes
h)	In stream and streambank enhancement, including vegetation removal and replacement within 10 feet of the top of bank or edge of wetland	Yes	Yes	¥es
<del>i)</del>	Bridges and boardwalks	Yes	Yes	Yes
3.	Type III Conditional Uses	Riparian Setback Area	Minor Streams Isolated Wetlands	Mitigation Plan Required?
a)	Hardship Variances, subject to variance provisions of Chapter 18.370	Yes	Yes	Yes
b)	Water related and water dependent uses not listed above, subject to conditional use provisions of Chapter 18.330	Yes	No No	Yes
4.	Prohibited Uses - unless, specifically authorized above	<del>Riparian</del> <del>Setback Area</del>	Minor Streams Isolated Wetlands	Mitigation Plan Required?
<del>a)</del>	Removal of native plant species	No	<del>No</del>	Not applicable
b)	Placement of structures or impervious surfaces	No	No	Not applicable
e)	Grading and placement of fill	No	No	Not applicable
<del>d)</del>	Application of herbicides	No	No	Not applicable
e)	Dumping of garbage or lawn debris or other unauthorized materials	No No	No	Not applicable
f)	Creation of a parcel that would be wholly	No	No	Not applicable

SE Update: 01/00

#### 18.797.060 Application Requirements

All development applications on lots within, or partially within, the WR overlay district shall submit the following information, in addition to other information required by this code.

- A. <u>Type I uses</u>. The applicant shall prepare a plan that demonstrates that the use will be constructed and located so as to minimize grading, native vegetation removal, and the area necessary for the use. The Director may require additional information where necessary to determine WR district boundaries or to mitigate identified impacts from a proposed development, including but not limited to:
  - 1. Site survey as prescribed in Section 18.797.060B;
  - 2. One or more of the reports described in Section 18.797.060D.
- B. Type II and III uses: site specific survey required. If any Type II or III use or activity is proposed within a water resource, riparian setback or water quality buffer area, the applicant shall be responsible for preparing a survey of the entire site that precisely maps and delineates the following:
  - 1. The name, location and dimensions of significant minor streams (including adjacent wetlands), major streams or rivers (including associated wetlands), and the tops of their respective streambanks or wetland edges;
  - 2. Isolated wetlands;
  - 3. The area enclosed by the riparian setback;
  - 4. The area enclosed by the USA water quality buffer;
  - 5. Steeply sloped areas where the slope of the land is 20% or greater;
  - 6. Existing public rights of way, structures, roads and utilities;
  - 7. Vegetation, including trees or tree clusters and understory;
  - 8. Existing and proposed contours at 2-foot intervals.
- C. <u>Site specific water resource and riparian setback determinations.</u> The required survey of identified water resources and their respective riparian setbacks and water quality buffers, required by Section 18.797.060B, shall serve as the basis for refining the Tigard Wetlands and Stream Corridors Map.
  - 1. The determination of the location of water resources, riparian setbacks and water quality buffers shall be made under Type I procedure;
  - If excavation, vegetation removal or development is proposed completely outside of a water resource, riparian setback or water quality buffer, no further WR overlay zone requirements apply;
  - 3. Permitted and conditional uses within surveyed riparian setback areas are limited to those described in Section 18.797.050 and subject to the development standards of this chapter.

- D. Type II and III uses: required studies and mitigation reports. Each of the following studies shall be required whenever any Type II or III use is proposed within the WR overlay district. Each required report must consider the City of Tigard Local Wetlands Inventory (Fishman Environmental Services, 1994), shall be in addition to the submission of information required for specific types of development, and shall be prepared by professionals in their respective fields. The Planning Director may exempt permit applications from one or more of these studies, based on specific findings as to why the study is unnecessary to determine compliance with this chapter. This determination must be made, in writing, at or immediately following the required pre application conference and prior to application submittal.
  - 1. Hydrology and soils report. This report shall include information on the hydrological activities of the site, the effect of hydrologic conditions on the proposed development, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils, the adequacy of the site for development purposes, and an assessment of grading procedures required to impose the minimum disturbance to the natural state. The report shall include recommendations to assure compliance with each applicable provision of this code as well as all applicable provisions of City building ordinances, and shall be prepared by a professional engineer registered in Oregon;
  - 2. Grading plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include a construction phased erosion control plan consistent with the provisions of this code and a schedule of operations and shall be prepared by a professional engineer registered in Oregon;
  - 3. Vegetation report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. The report shall specifically identify disturbed areas (i.e., areas devoid of vegetation or areas that are dominated by non native or invasive species) and the percentage of crown cover. Where a reduction in the riparian setback is proposed, measures for re vegetation and enhancement with native plant species will be clearly stated. The vegetation report shall include recommendations to assure compliance with each applicable provision of this code, and shall be prepared by a landscape architect, landscape designer, botanist, arborist, or other qualified individual with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to enhance fish and wildlife habitat and to control erosion and sedimentation;
  - 4. Streambank conditions report. This report is only necessary if a reduction in the riparian setback area is proposed. The streambank conditions report shall consist of a survey of existing streambank conditions, including types of vegetative cover, the extent to which the streambank has been eroded, and the extent to which mitigation measures would be successful in maximizing fish and wildlife habitat values while serving the stream's urban hydrological function. Measures for improving fish and wildlife habitat and improving water quality will be clearly stated, as well as methods for immediate and long term streambank stabilization. The streambank conditions report shall include recommendations to assure compliance with each applicable provision of this code, and shall be prepared by a biologist, or other qualified individual in concert with an

engineer registered in Oregon, both of whom must have experience in stream bank restoration. The report shall specify long term maintenance measures necessary to carry out the proposed mitigation plan.

#### 18.797.070 Decision Options and Conditions

- A. <u>Decision options</u>. The Approval Authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The Approval Authority may require conditions necessary to comply with the intent and provisions of this chapter.
- B. <u>Conditions</u>. The required reports shall include design standards and recommendations necessary for the engineer and biologist or other qualified individual to provide reasonable assurance that the standards of this section can be met with appropriate mitigation measures. These measures, along with staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- C. <u>Assurances and penalties.</u> Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this section shall be as stated in Chapter 18.230.

#### 18.797.080 Development Standards

The following shall apply to all development, including native vegetation removal and excavation, within the WR overlay district. No application for a use identified in Section 18.797.050 shall be deemed complete until the applicant has addressed each of these standards in writing.

- A. <u>Alternatives considered.</u> Except for stream corridor enhancement, most Type II and III uses are expected to develop outside of water resource and riparian setback areas. Therefore, Type II and III development applications must carefully examine upland alternatives for the proposed use, and explain the reasons why the proposed development cannot reasonably occur outside of the water resource or riparian setback area.
- B. <u>Minimize siting impacts</u>. The proposed use shall be designed, located and constructed to minimize excavation, loss of native vegetation, erosion, and adverse hydrological impacts on water resources.
  - 1. For Type II and III uses, the civil engineer with experience in water quality must certify that any adverse water quality impacts of the development proposal will be minimized consistent with best management practices;
  - 2. For all uses, the development shall be located as far from the water resource, and use as little of the water resource or riparian setback area, as possible, recognizing the operational needs of the proposed development.
- C. <u>Construction materials and methods</u>. Where development within the riparian area is unavoidable, construction materials or methods used within the riparian setback area shall minimize damage to water quality and native vegetation.
- D. <u>Minimize flood damage</u>. Above ground residential structures shall not be permitted within the WR overlay district, where such land is also within the 100 year floodplain. On site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on or off site.

- Any new commercial or industrial land development proposed within the 100 year floodplain shall be designed consistent with Chapter 18.775, Sensitive Lands.
- E. Avoid steep slopes. Within 50 feet of any water resource, excavation and vegetation removal shall be avoided on slopes of 25% or greater and in areas with high erosion potential (as shown on SCS maps), except where necessary to construct public facilities or to ensure slope stability.
- F. <u>Minimize impacts on existing vegetation</u>. The following standards shall apply when construction activity is proposed in areas where vegetation is to be preserved.
  - 1. Temporary measures used for initial erosion control shall not be left in place permanently;
  - Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation;
  - Trees shall not be used as anchors for stabilizing working equipment. During clearing operations, trees and vegetation shall not be permitted to fall or be placed outside the work area;
  - 4. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place;
  - 5. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis.
- G. <u>Vegetation mitigation plan.</u> If a Type II or III use is proposed within a water resource site or riparian setback area, or mitigation is proposed as a method to reduce the riparian setback in accordance with Section 18.797.100, a mitigation plan shall be prepared and implemented.
  - 1. The applicant shall be responsible for re-vegetating areas temporarily disturbed by excavation on a 1:1 basis;
  - 2. Where approval is granted to reduce the riparian setback area, the applicant shall be responsible for mitigating for the reduced setback by replacing non native vegetation within the remaining, protected riparian setback area on a 1.5:1 basis. That is, for each 100 square feet of riparian setback that is lost to development, at least 150 square feet of existing disturbed area within the riparian setback or wetland shall be re-planted with native plant species;
  - 3. The re vegetation plan shall provide for the replanting and maintenance of native plant species designed to achieve pre disturbance conditions. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.
- H. <u>Water and sewer infiltration and discharge</u>. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to streams and wetlands.
- I. On site systems. On site septic systems and private wells shall be prohibited within the WR overlay district.
- J. <u>Erosion control plan.</u> If a Type II or III use is proposed within a water resource site or riparian setback area, the following erosion control standards shall apply within the WR overlay district:

minimize visible and measurable erosion: 2. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site only; 3. Construction activity will take place during the dry season (June October), whenever feasible, and the duration of exposure of soils shall be kept to a minimum during construction; Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction, until soils are stabilized. During the rainy season (November through May), soils shall not be exposed for more than 7 calendar days. All disturbed land areas which will remain unworked for 21 days or more during construction, shall be mulched and seeded; -During construction, runoff from the site shall be controlled, and increased runoff and sediment resulting from soil disturbance shall be retained on site. Temporary diversions, sediment basins, barriers, check dams, or other methods shall be provided as necessary to hold sediment and runoff: A stabilized pad of gravel shall be constructed at all entrances and exists to the construction site. The stabilized gravel pad shall be the only allowable entrance or exit to the site; 7. Topsoil removal for development shall be stockpiled and reused on site to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure sufficient stable topsoil for re-vegetation. Additional soil shall be provided if necessary to support re-vegetation; 8. The removal of all sediments which are carried into the streets, water resources or on to adjacent property, are the responsibility of the applicant. The applicant shall be responsible for cleaning up and repairing streets, catch basins, water resource areas and adjacent properties, where such properties are affected by sediments or mud. In no case shall sediments be washed into storm drains, ditches or drainageways; Any other relevant provisions of the Erosion Prevention and Sediment Control Plans Technical Guidance Handbook (City of Portland Bureau of Environmental Services and Unified Sewerage Agency of Washington County, Revised February 1994), required by the Planning Director. Plan implementation. A schedule of planned erosion control and re vegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures. An approved Erosion Control of Re vegetation Plan shall be implemented and maintained as follows: 1. Erosion control measures shall be installed prior to any stripping or excavation work. The applicant shall implement the measures and construct facilities contained in the approved Erosion Control Plan in a timely manner. During active construction, the applicant shall inspect erosion control measures daily, and maintain, adjust, repair or replace erosion control measures to ensure that they are functioning properly. Eroded sediment shall be removed immediately from pavement surfaces, off site areas, and from

1. Specific methods of soil erosion and sediment control shall be used during construction to

the surface water management system, including storm drainage inlets, ditches and culverts.

Water containing sediment shall not be flushed into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or <del>device.</del> 5. In addition, the applicant shall call for City inspection, prior to the foundation inspection for any building, to certify that erosion control measures are installed in accordance with the erosion control plan. L. Type III conditional uses. The procedural and substantive provisions of Chapter 18.330, Conditional Uses, in addition to Section 18.797.080 L1 2 below and 18.797.080 A K above, shall apply to determine whether a Type III use listed below may be approved. The applicant for conditional use approval shall: 1. Demonstrate that there will not be any net loss in the values of the resource area; and 2. Submit a detailed mitigation plan to show that any loss of riparian values will be fully compensated through the enhancement program. 18.797.090 **Abutting Lot Area Reductions** A. With no riparian setback. Where no riparian setback reduction is proposed, the minimum lot area of buildable lots abutting the riparian setback area may be reduced in proportion to the preserved riparian area outside the required water quality buffer, provided that each abutting lot shall have a minimum depth of at least 60 feet. 18.797.100 **Riparian Setback Reductions** The Director may approve a site specific reduction of the Tualatin River or any major stream riparian setback by as much as 50% to allow the placement of structures or impervious surfaces otherwise prohibited by this chapter, provided that equal or better protection for identified major stream resources is ensured through streambank restoration and/or enhancement of riparian vegetation in preserved portions of the riparian setback area. A. Eligibility for riparian setback in disturbed areas. To be eligible for a riparian setback reduction, the applicant must demonstrate that the riparian corridor was substantially disturbed at the time this regulation was adopted. This determination must be based on the Vegetation Study required by Section 18.797.050 that demonstrates all of the following: 1. Native plant species currently cover less than 80% of the on site riparian corridor area; 2. The tree canopy currently covers less than 50% of the on site riparian corridor and healthy trees have not been removed from the on-site riparian setback area for the last five years; 3. That vegetation was not removed contrary to the provisions of Section 18.797.050 regulating removal of native plant species;

4. That there will be no infringement into the 100 year floodplain; and

5. The average slope of the riparian area is not greater than 20%.

- B. <u>Determination of extent of riparian setback reduction</u>. Provided that the standards of 18.797.080B are met, as much as 50% of the riparian area may be developed, based on a vegetation enhancement and streambank mitigation plan, and subject to the following standards:
  - 1. The minimum remaining riparian setback for the Tualatin River shall not be less than 37.5 feet, and the minimum remaining major stream riparian setback shall not be less than 25 feet.
  - 2. Based on the recommendations of the required vegetation report, up to a 33% reduction in the riparian setback area may be approved, provided that the applicant enhances disturbed portions of the remaining riparian setback area on a 1.5:1 basis. The vegetation report identifies disturbed areas (non vegetated areas and areas that are overgrown with non native or invasive plant species such as English ivy or Himalayan blackberry) and areas dominated by native plant species. Thus, for every 100 square feet of riparian setback area that is developed, at least 150 square feet of the disturbed portion of the remaining riparian setback area must be replanted with native plant species. In this manner, up to a one third riparian setback reduction may be approved.
  - 3. Up to an additional 17% reduction of the riparian setback area may be approved, based on an approved streambank mitigation plan prepared by a biologist and an engineer, both of whom must have experience in stream bank restoration. The plan must demonstrate that the streambank mitigation measures will maximize fish and wildlife habitat values and water quality.

#### [relocated with minor modifications to 18.775.100]

#### 18.797.110 Adjustments to Underlying Zone Setback Standards

In contrast to variances to the standards of the WR overlay district, adjustments to dimensional standards of the underlying zone district may be approved by the Planning Director when necessary to further the intent of this overlay district.

- A. Adjustment option. The Planning Director may approve up to a 50% adjustment to any dimensional standard (e.g., setback, height or lot area) of the underlying zoning district to allow development consistent with the purposes of the WR overlay district. The purpose of the adjustment process is to reduce adverse impacts on wetlands, stream corridors, fish and wildlife habitat, water quality and the potential for slope of flood hazards.
- B. Adjustment criteria. A special WR overlay district adjustment may be requested under Type II procedure when development is proposed within or adjacent to the WR overlay district. In order for the Director to approve a dimensional adjustment to standards in the underlying zoning district, the applicant shall demonstrate that the following criteria are fully satisfied:
- 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to a water resource, riparian setback area or water quality buffer.
- 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on unbuildable land.
- 3. Design options have been considered to reduce the impacts of development, including but not limited to multi story construction, siting of the residence close to the street to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking areas and garage space.

- 4. In no case shall the impervious surface area os a single family residence (including the building footprint, driveway and parking areas, accessory structures, swimming pools and patios) exceed 3,000 square feet of riparian setback or water quality buffer area.
- 5. Assurances are in place to guarantee that future development will not encroach further on land under the same ownership within the WR overlay district.

The Planning Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise unbuildable land.

#### [relocated with minor modifications to 18.775.110]

### 18.797.120 Density Transfer

<u>Density transfer</u>. Density may be transferred from water resource and riparian setback areas as provided in Section 18.715.020 030.

#### [relocated with minor modifications to 18.775.120]

#### 18.797.130 Variances to Chapter 18.797 Standards

Variances to the use provisions of Section 18.797.050 are not permitted. Variances from measurable (dimensional) provisions of this chapter shall be discouraged and may be considered only as a last resort.

- A. <u>Type III variance option</u>. The Hearings Officer shall hear and decide variances from dimensional provisions of this chapter under Type III procedure, in accordance with the criteria in Chapter 18.370 of the zoning ordinance.
- B. Additional criteria. In addition tot he general variance criteria described in Chapter 18.370, all of the following additional criteria must be met to grant a variance to any dimensional provision of this chapter:
- The variance is necessary to allow reasonable economic use of the subject parcel of land, which is owned by the applicant, and which was not created after the effective date of this chapter;
- 2. Strict application of the provisions of this chapter would otherwise result in the loss of a buildable site for a use that is permitted outright in the underlying zoning district, and for which the applicant has submitted a formal application;
- 3. The applicant has exhausted all options available under this chapter to relieve the hardship;
- 4. Based on review of all required studies described in Section 18.797.060, the variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality;
  - 5. Based on review of all required studies described in Section 18.797.060, no significant adverse impacts on water quality, erosion or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible;

6. Loss of vegetative cover shall be minimized. Any lost vegetative cover shall be replaced on site, on a 1-to 1 basis, by native vegetation.

#### [relocated with minor modifications to 18.775.130]

#### 18.797.140 Plan Amendment Option

Any owner of property affected by the WR district may apply for a quasi judicial comprehensive plan amendment under Type IV procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove WR overlay district from the property. The applicant shall demonstrate that such an amendment is justified by either of the following:

- A. <u>ESEE analysis</u>. The applicant may prepare an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040.
- The analysis shall consider the ESEE consequences of allowing the proposed conflicting use fully, consider both impacts on the specific resource site in comparison with other comparable sites within he Tigard Planning Area;
- 2. The ESEE analysis must demonstrate to the satisfaction of the Tigard City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
- 3. In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning area that can meet the specific needs of the proposed use;
- 4. The ESEE analysis shall be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;
- 5. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Tigard Comprehensive Plan, and the Tigard Wetland and Stream Corridor Map shall be amended to remove the site from the inventory.
- B. <u>Determination of "insignificance."</u> In this case, the applicant must demonstrate that the water resource site(s) no longer meet(s) the applicable significance threshold defined by the Goal 5 administrative rule, relative to other comparable resources within the Tigard Planning Area.
- 1. Significance thresholds are described and applied in the addendum to the City of Tigard Local Wetlands Inventory adopted by reference as part of this chapter.
- 2. In considering this claim, the Council shall determine that the decline in identified resource values did not result from a violation of this chapter or any other provision of the Tigard Community Development Code.

#### TIGARD COMPREHENSIVE PLAN

# Findings, Policies, & Implementation Strategies Volume II

#### 4. AIR, WATER AND LAND RESOURCES QUALITY

.... Specifically impacting Tigard is the Metropolitan Service District (MSD) Metro

#### POLICY

#### 4.1.1 THE CITY SHALL:

- a. MAINTAIN AND IMPROVE THE QUALITY OF TIGARD'S AIR QUALITY AND COORDINATE WITH OTHER JURISDICTIONS AND AGENCIES TO REDUCE AIR POLLUTIONS WITHIN THE PORTLAND-VANCOUVER AIR QUALITY MAINTENANCE AREA. (AQMA).
- b. WHERE APPLICABLE, REQUIRE A STATEMENT FROM THE APPROPRIATE AGENCY, THAT ALL APPLICABLE STANDARDS CAN BE MET, PRIOR TO THE APPROVAL OF A LAND USE PROPOSAL.
- c. APPLY THE MEASURES DESCRIBED IN THE DEQ HANDBOOK FOR "ENVIRONMENTAL QUALITY ELEMENTS OF OREGON LOCAL COMPREHENSIVE LAND USE PLANS" TO LAND USE DECISIONS HAVING THE POTENTIAL TO AFFECT AIR QUALITY.

#### **IMPLEMENTATION STRATEGIES**

- 1. The City shall coordinate with MSD Metro and DEQ to attain and maintain the air quality goal described in the State Implementation Plan (SIP).
- 2. The City shall continue to utilize expertise available at the Department of Environmental Quality, the Metropolitan Service District Metro, and other relevant agencies, to coordinate efforts aimed at reducing air pollution emission levels in the Tigard and entire Portland Metropolitan Area.
- 3. Until such time as control strategies are realized, the City of Tigard shall use measures described in the DEQ Handbook for "Environmental Quality Elements of Oregon Local Comprehensive Land Use Plans" when planning any development activities having the potential to directly (by direct emissions) or indirectly (by increasing vehicular travel) affect air quality.
- 4. The City shall make every effort to design municipal streets and roadways and to establish traffic flow patterns which minimize or reduce vehicular emissions.

- 5. The City shall consult and coordinate with the Oregon Department of Environmental Quality to ensure that land uses and activities in Tigard comply with Federal and State air quality standards.
- 6. The City shall aim to reduce the quantity of vehicle emissions by pursuing an energy-efficient urban form which reduces the number of vehicle miles traveled, and by encouraging the use of alternate modes of transportation, especially mass transit and pedestrian.

#### 4.2 WATER QUALITY

#### <u>Findings</u>

- The quality of Tigard's surface waters are fair, inasmuch as the waters are not used for drinking purposes.
- No major point source water polluters threaten local creeks.
- Some infiltration problems exist in the sewage systems.
- Reduction of open space, removal of vegetation cover, and development which increases the
  amount of impervious surface all contribute significantly to increases in the peak flows of
  urban storm runoff entering storm sewers, creeks and drainageways.
- Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention/ detention of storm water, inclusion of landscape buffer areas adjacent to new development and conservation and improvement of streamside vegetation along creeks and other water courses.
- Clean Water Services (CWS) is the lead agency for water quality management within Washington County.
- By intergovernmental agreement, all the cities within the Clean Water Services' service area,
   Tigard included, must follow the standards contained in CWS's Design and Construction
   Manual.

#### **POLICIES**

- 4.2.1 ALL DEVELOPMENT WITHIN THE TIGARD URBAN PLANNING AREA SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND REGIONAL WATER QUALITY STANDARDS, INCLUDING THOSE CONTAINED IN THE CLEAN WATER SERVICES' DESIGN AND CONSTRUCTION MANUAL.
- 4.2.2 THE CITY SHALL RECOGNIZE AND ASSUME ITS RESPONSIBILITY FOR OPERATING, PLANNING, AND REGULATING WASTEWATER SYSTEMS AS DESIGNATED IN MSD'S METRO'S WASTE TREATMENT MANAGEMENT COMPONENT AND 208 CRAG STUDY.

- 1. In order to improve the water quality and quantity in the Tigard Area, the City shall consider developing regulations in the Tigard Community Development Code or instituting programs to:
  - a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality problems;
  - b. Improve the management of industrial and commercial operations to reduce negative water quality impacts;
  - Regulate site planning for new development and construction through the Tigard Community Development Code to better control drainages and erosion and to manage storm runoff;
  - d. Increase storage and retention of storm runoff to lower and delay peak storm flows;
  - e. Reduce street related water quality and quantity problems; and
  - f. Increase public awareness concerning the use and disposal of toxic substances.
- 2. The City shall not permit industrial or other uses which violate State of Oregon water quality discharge standards.
- 3. The City shall cooperate with the Metropolitan Service District Metro and other appropriate agencies to establish practices which minimize the introduction of pollutants into ground and surface waters.
- 4. The City shall require that new developments obtain a Stormwater Connection Permit from Clean Water Services and be connected to the City's or the Unified Sewerage Agency Clean Water Services sanitary sewerage systems.

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### CITY OF TIGARD PLANNING COMMISSION Regular Meeting Minutes

November 6, 2000

#### 1. CALL TO ORDER

President Wilson called the meeting to order at 7:30 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

#### 2. ROLL CALL

Commissioners Present: President Wilson; Commissioners Anderson,

Incalcaterra (arrived late), Mores, Padgett, and Topp

Commissioners Absent: Commissioners Olsen and Scolar

Staff Present: Bill Monahan, City Manager; Jim Hendryx, Director of

Community Development; Dick Bewersdorff, Planning Manager; Matt Scheidegger, Assistant Planner; Duane Roberts, Associate Planner; Jerree Gaynor, Planning

Commission Secretary

#### 3. PLANNING COMMISSION COMMUNICATIONS

As set forth in his memorandum to the Planning Commission dated October 23, 2000, Bill Monahan proposed that the Commission be updated on a quarterly basis regarding transportation and parks planning issues. The purpose of these updates would be to keep the Commissioners informed about ongoing efforts in these areas and provide the background necessary in making decisions when issues are brought before them. Public Works, Engineering, and Community Development staff would present the quarterly updates to the Commission on a rotating basis. Mr. Monahan also discussed the City's "Tree City USA" application, which is currently being worked on by Ed Wegner and Matt Stine of the Public Works Department. When they have completed their review of the criteria, they will provide information to the Commission on the functions of a Tree Board to be established. It can be decided at that time whether the Tree Board will be comprised of a Commission subcommittee or if citizen members will fill that role.

Jim Hendryx discussed the transportation system plan the task force has been working on for over 18 months. The intent was to schedule a series of public hearings and then look at what would be the best effort for successful adoption of a transportation system plan. They are attempting to get the plan to the Council before the end of the year. An open house held earlier tonight did not get a lot of participation. Another public meeting will be announced in *Cityscape* and held on December 4<sup>th</sup>. The Planning Commission public hearing will be held on December 18<sup>th</sup>.

#### 4. APPROVE MEETING MINUTES

Commissioner Padgett moved and Commissioner Anderson seconded the motion to approve the October 2, 2000, meeting minutes as submitted. A voice vote was taken and the motion passed by a vote of 5-0. Commissioner Incalcaterra arrived after the vote was taken.

#### 5. PUBLIC HEARING

# 5.1 ZONE ORDINANCE AMENDMENT (ZOA) 2000-00004 DOWNTOWN PARKING CODE AMENDMENT

The City of Tigard is requesting approval of a Zone Ordinance Amendment to allow existing buildings directly abutting Main Street to be exempt from having to add additional off-street parking for a change of use. However, construction of new buildings abutting Main Street will be required to meet the off-street parking standards according to Table 18.765.2 (Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements) in the Tigard Community Development Code. LOCATION: All properties abutting SW Main Street. ZONE: CBD Central Business District. The CBD zoning district is designed to provide a concentrated central business district, centered on the City's historic downtown, including a mix of civic retail and office uses. Singlefamily attached housing, at a maximum density of 12 units/net acre, equivalent to the R-40 zoning district, are permitted outright. A wide range of uses, including but not limited to adult entertainment, utilities, facilities with drive-up windows, medical centers, major event entertainment and gasoline stations, are APPLICABLE REVIEW CRITERIA: permitted conditionally. Planning Goals 1, 2, 5 and 9; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 2.1.3 and 5.3; and Community Development Code Chapters 18.380, 18.390 and 18.765.

#### STAFF REPORT

Matt Scheidegger presented the staff report on behalf of the City. He explained that the amendment would allow all existing buildings on Main Street to be exempt from having to meet the off-street parking standards for a change of use. New construction, change of use to entertainment purposes, or the addition of new square footage to an existing building would have to meet the parking standards. Dick Bewersdorff noted that these standards are common in other cities. The purpose of this amendment is to maintain and improve the viability of the historic downtown area.

Commissioner Incalcaterra asked if this exemption would apply even if a new business in an existing building attracts more cars than the previous business. Mr. Scheidegger said that is correct unless the new business is for entertainment use.

Jim Hendryx presented a brief background for this amendment. The City has made at least two attempts for revitalizing the downtown area over the last 15 years, both

of which failed. About two years ago the Tigard Central Business District Association was formed. An action plan was adopted and a resource team was brought in to develop a vision plan for the improvement and success of the downtown area. The association recently hired a part time manager. One of the key aspects for the next 18 months is to look at funding sources. The association has contracted with the Oregon Downtown Development Association to look at a funding mechanism to maintain the association, to continue to finance the part time manager, and to work on promotional activities and other issues. Since there is a lack of developable land in the downtown area, this amendment will encourage new businesses to occupy existing buildings.

Commissioner Anderson asked about shared parking arrangements for businesses that operate during different hours. Mr. Hendryx said that is allowed by the code. A parking management plan will be developed later to address issues such as this.

Commissioner Topp asked if a new building would be exempt if it replaces an old building of the same square footage. It was clarified that all new buildings will have to meet parking requirements.

#### PUBLIC TESTIMONY - IN FAVOR

Mike Marr, 12420 SW Main Street, Tigard, Oregon, stated that parking is very important for businesses in the downtown area. His building covers the entire property and there is no spare land for parking. He feels that the existing code is too prohibitive. The biggest problem is during the lunch hour. He is supportive of this amendment and the Central Business District Association also supports the amendment.

#### **PUBLIC TESTIMONY - IN OPPOSITION**

Vivian Davis, 10875 SW 89<sup>th</sup>, Tigard, Oregon, owns a building on Main Street. Downtown parking is a serious problem. Four parking spaces in front of her building were taken for use by Greyhound, which parks in that spot for 12 minutes, 12 times a day. This has caused numerous problems, including the impairment of visibility when exiting the parking lot. For more than a year the City has promised to move Greyhound, but has not done so. Ms. Davis was advised that this issue has been addressed by the City Engineer and the bus stop was moved across the street to the south side about a month ago. She was unaware that this had occurred and is unsure if she is opposed to the amendment, she only knows that parking downtown is a serious problem.

#### PUBLIC HEARING CLOSED

Commissioner Topp said he is troubled by the rebuilding part of the amendment. New development is required to comply with the standards, but there will not be very much new development. Development in the area will mainly consist of redevelopment of older existing buildings. Requiring compliance for a new building

that replaces an older run-down building will be a disincentive to rebuild if additional parking is required. He agrees that if an existing building adds square footage it should also add more parking. However, if a new building retains the existing square footage, then it should be exempt from coming up to current parking standards.

President Wilson pointed out that there is already a serious disincentive to rebuild because currently an existing building must comply if the use changes. This ordinance gives more flexibility in that regard.

Commissioner Padgett noted that an important distinction is that the Central Business District is a specially designated area of the City, and the City has recognized that the purpose and intent of this area is different from other general commercial areas. Because of the unique characteristics and designation of the area, it is important to clarify that this amendment only applies to the Central Business District and the same theory does not apply to other commercial areas.

Matt Scheidegger reiterated that this amendment only applies to property abutting Main Street. A brief discussion followed regarding inclusion of these concerns in the recommendation for approval.

Commissioner Topp moved to recommend approval to City Council of the Downtown Parking Code Amendment, Zone Ordinance Amendment (ZOA) 2000-00004, as evidenced by Table 18.765.2 revised on 11/6/00 to include an amendment to footnote #5 that existing buildings directly abutting Main Street are not required to add additional off-street parking for a change of use or for replacement of the existing square footage except for entertainment uses. Commissioner Mores seconded the motion. A voice vote was taken and the motion passed unanimously.

Commissioner Padgett left at 8:10 p.m.

# 5.2 COMPREHENSIVE PLAN AMENDMENT (CPA) 2000-00001/ZONE ORDINANCE AMENDMENT (ZOA) 2000-00003 CODE AMENDMENT INCORPORATING USA'S NEW WATER QUALITY DESIGN STANDARDS

The City of Tigard is proposing a Comprehensive Plan Amendment to Volume II in order to recognize Unified Sewerage Agency's (USA) role in managing water quality and to provide additional evidence of Metro Title 3 compliance. A Zone Ordinance Amendment is requested with respect to Community Development Code (Title 18), Chapters 18.370, 18.775 and 18.797, in order to incorporate new USA Design and Construction Standards governing development near streams, wetlands, and springs (collectively called Water Quality Sensitive Areas). All lesser standards in the Community Development Code that provide less protection than the USA standards will be deleted and a requirement will be added that a USA permit be obtained. The USA regulations have been put into place in response to Metro Stream and Wetland

Protection performance standards and the need to better protect streamwater quality and fish habitat. **LOCATION:** Citywide **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, 6 and 7; Metro Urban Growth Management Functional Plan Titles 3 and 8; Comprehensive Plan Policies 1.1.1, 1.1.2, 2.1.1, 2.1.2, 2.1.3, 3.1.1, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.4.1, 3.4.2, 3.5.3, 4.2.1, 7.1.1, 7.1.2 and 7.2.1; and Community Development Code Chapters 18.380 and 18.390.

#### STAFF REPORT

Duane Roberts presented the staff report on behalf of the City. In order to comply with Title 3 of the Metro Functional Plan, the City is proposing to change the Comprehensive Plan and Community Development Code in three ways: 1) to recognize USA's role in managing water quality within the City and to reference USA's new Design and Construction Standards, 2) to add the requirement for a USA Stormwater Connection Permit, and 3) to integrate the three layers of regulations for federal, state, and regional standards into one section and make them easier to understand and administer. Mr. Roberts explained the main differences between the existing Code and the new requirements. Chart II in the staff report explains the changes. There are two types of regulations, one pertains to flood management and the other relates to water quality protection. Mr. Roberts outlined the pertinent portions of the requirements and explained how Tigard's existing flood management standards are generally more stringent than, and therefore supersede, the USA standards. He also remarked on flexibility changes in the regulations and alternative analyses provisions. Mr. Roberts stated that Tigard's Code standards are also somewhat more restrictive or stringent than the USA regulations for protecting resources such as wetlands and stream corridors.

Mr. Roberts stated that most people are concerned about existing single-family lots. He explained that the rules apply differently to small development and existing single-family lots than to large development. A single-family lot will not have to submit a detailed assessment or hire any consultants. The main requirements are to provide a sketch plan of the proposed development, a measure of the distance from the development to the edge of the water feature, and one or more photographs of the site. A major development such as a subdivision will have to do a very detailed assessment of the vegetated corridor, may be required to perform a geotechnical study, hire consultants, and submit a very complete assessment.

Commissioner Topp asked if Tigard's more stringent regulations would be deleted from the Code in favor of the less stringent USA regulations.

Mr. Roberts responded that most of the more stringent standards would supersede the less stringent standards; things that could be allowed under the USA regulations will continue to be disallowed under the Tigard regulations. Some of the USA regulations will be adopted over existing regulations that are only slightly more stringent. He pointed out areas on a map where the new regulations are the

same or almost the same as the existing regulations. Changes to the existing standards and affected areas were discussed.

These regulations have been reviewed and approved by the Department of Land Conservation and Development, Metro, and the City Attorney's office. Any development will require the approval of USA. USA worked with the Washington County jurisdictions and developed the standards to comply with the regulations mandated by Metro. They will be applied by USA, not the City. There is no flexibility for the Planning Commission to adopt any changes to the new regulations. Questions and lengthy discussion continued regarding the details of and areas affected by the new regulations, the effect on the existing standards, and USA's role in enforcing the regulations.

President Wilson pointed out that, as the Planning Commission does not have the ability to change the standards mandated by Metro, the purpose of public testimony on this matter is to alert Metro of public concerns.

#### PUBLIC TESTIMONY - IN FAVOR

Hazel Lyon, 10440 SW 87<sup>th</sup> Avenue, Tigard, Oregon, advised that USA installed a larger sewer line across back of her property along Ash Creek. USA brought in fill that contained a lot of rock, which has caused a drainage problem resulting in standing water. This is a serious problem that did not exist prior to the installation and USA has not offered a satisfactory solution. She did not offer any comments regarding the proposed regulations.

#### **PUBLIC TESTIMONY - IN OPPOSITION**

Eric Davison, 11205 SW Fairhaven Street, Tigard, Oregon, stated that he considers the adoption of Title 3 a taking. He asked how this would affect his ability to make modifications to his property. The fact that most of the requirements apply to large developments instead of single-family homes is not made clear in the regulations. He also discussed his concerns about inconsistencies in the new regulations with current standards and whether there is actually any benefit to the changes. Mr. Davison explained how these concerns specifically affect his property with regard to inconsistencies in the implementation of buffers and noted that he has observed inconsistencies affecting other development with no apparent benefit. He expressed various other concerns and questions about the future affects of the new regulations both on development and on property taxes. Specific issues regarding his property were discussed.

Bob Vinatieri, 10440 SW Johnson Court, Tigard, Oregon, inquired about effects of the regulations on structures and what things are considered to be structures in terms of development of such things as arbors, walkways, play structures, etc. He was advised that a development is something that requires a building permit.

Discussion followed regarding different types of development and construction/reconstruction that would or would not require approval by the City and/or by USA.

Midge Finley, 11260 SW Gaarde Street, Tigard, Oregon, discussed drainage problems on her property. She does not know how this proposal affects their property. She was advised that Duane Roberts will call her after checking to see if their property is affected.

Peggy Webster, 11895 SW 113<sup>th</sup> Place, Tigard, Oregon, asked if the 50-foot setback is measured from the creek itself or from the surrounding wetland area. She was advised that it is measured either from the edge of the wetlands or from the top of the bank of the stream. The 50 feet is not related to the floodplain. Ms. Webster stated that she is in favor of preserving as much greenspace and natural habitat as possible. Discussion also was held regarding old trees being cut down in the Walnut Glen Development and problems involving the cost of planting new trees in mitigation. Ms. Webster was advised to contact either Jim Hendryx or Julia Hajduk for assistance in resolving the problems.

Ken Rea, 9570 SW Tigard Street, Tigard, Oregon, asked what criteria are used to determine a major or minor development. He was advised that the determination will be made by USA. A brief discussion followed regarding development of Mr. Rea's property and the change of use from residential to commercial as the reason for the assessment by USA that it is considered a large development. Although the development was begun prior to the effects of the new regulations, the intergovernmental agreement requires the current enforcement of USA regulations.

Teri Brown, 11725 SW 116<sup>th</sup>, Tigard, Oregon, quoted from a notice stating that adoption of the ordinance may affect the permissible uses and reduce the value of a property. She asked how a reduction in property value is not considered a taking. She was advised that the Supreme Court has ruled that regulations can reduce the value of a property up to almost 100% without calling it a taking. The loss of all economic value to the property is considered a taking. USA should be contacted to determine if a property is affected.

Kevin Dung, 509 SW Sutherland Way, Beaverton, Oregon, commented about the effects on property values if Measure 7 passes. Additional discussion was held regarding the value and development of his property. He was advised to contact USA to determine the specific effects to his property.

#### **PUBLIC HEARING CLOSED**

Commissioner Topp said his biggest concern is regarding USA's lack of definitions for structures, gardens, lawns, and permitted uses. Ultimately USA will have to address this issue so that the Planning Commission will know how to respond to development requests that come before it. He is also concerned about the floodplain alteration within residential zones.

President Wilson said he shares the concerns about people being able to use their property. He feels that this whole process is meaningless because the mandate is already in effect and the Planning Commission has no control over the process. He is therefore going to abstain from voting.

Further discussion was held regarding disagreements with certain aspects and the inability to effect changes. Metro is insulated from the results and effects of its mandates because it does not have to face the people who are impacted.

Commissioner Topp moved that the recommendation for approval of the proposed Comprehensive Plan Amendment (CPA) 2000-00001 and Zone Ordinance Amendment (ZOA) 2000-00003 be forwarded to the City Council for approval with two caveats: 1) that staff look at USA's requirements for structures, development and construction activities for garden and lawns and developing lists with USA as to what their intent is for that to apply to, and 2) that staff look at changing the existing City standards to allow balanced cut and fill flood management to commercial, industrial, and residential zones as opposed to excepting out residential zones. The motion was not seconded.

Further discussion was held and it was agreed that the Planning Commission opposes changing the floodplain in residential zones. It is believed that Tigard's existing protections for the floodplain are sufficient. Commissioner Topp amended the motion to strike the portion regarding flood management in residential zones. Commissioner Incalcaterra seconded the motion. A voice vote was taken and there were no votes in favor or in opposition to the motion. All five Commissioners abstained from voting.

#### 6. OTHER BUSINESS

None

#### 7. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Jerree Gaynor, F	Planning Commission Secretary

Agenda Item: 5.2

Hearing Date: November 6, 2000 Time: 7:30 PM

## STAFF REPORT TO THE PLANNING COMMISSION FOR THE CITY OF TIGARD, OREGON



SECTION I. APPLICATION SUMMARY

FILE NAME: CODE AMENDMENT INCORPORATING NEW USA WATER QUALITY

**DESIGN STANDARDS** 

FILE NOS. Comprehensive Plan Amendment (CPA) CPA2000-00001

Zone Ordinance Amendment (ZOA) ZOA2000-00003

**PROPOSAL:** The City of Tigard proposes to amend Volume II of The Comprehensive

Plan in order to recognize the Unified Sewerage Agency's (USA) role in managing water quality and to provide additional evidence of Metro Title 3 compliance. The City proposes to amend the Sensitive Lands Chapter (18.775) of the Community Development Code in order to incorporate by reference new USA Design and Construction Standards and to add a requirement that a USA Stormwater Connection Permit be obtained. The City also proposes to consolidate the Water Resources Overlay (18.797) and Sensitive Lands Chapters (18.775), both of which have as their primary focus stream and wetland protection, into one chapter in order to eliminate all lesser standards that provide lesser protection than the USA standards.

**APPLICANT:** City of Tigard **OWNER:** N/A

Attn: Duane Roberts 13125 SW Hall Boulevard Tigard, Oregon 97223

ZONING

**DESIGNATION**: N/A

**LOCATION:** City Wide

APPLICABLE REVIEW

**CRITERIA:** Statewide Planning Goals 1, 2, 6, 7; Tigard Comprehensive Plan Policies

1.1.1, 1.1.2, 2.1.1, 2.1.2, 2.1.3, 3.1.1, 3.2.1, 3.2.2, 3.2.4, 3.4.1, 3.4.2, 4.2.1, 7.1.1, 7.1.2; and 7.2.1 and Community Development Chapters 18.380 and

18.390.

#### SECTION II. STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance amendments according to the findings found in Section IV of this report.

#### SECTION III. BACKGROUND INFORMATION

#### Introduction

In mid-1998, the Metro Council adopted performance standards for the protection of streams, wetlands, and floodplains, known as Title 3 of the Functional Plan. Tigard and the other jurisdictions within Metro are required to amend their comprehensive plans and develop codes to comply with these new standards. In Washington County, the new protection measures are implemented through incorporation into the USA Design and Construction Standards, which all the jurisdictions within USA are required to follow. The purpose of the present amendments is to complete Title 3 by updating the City plan and code and adding references to USA's Design and Construction Manual and to USA's role as a service provider whose storm/surface water management service is required as part of the land use review process. A closely related purpose is to eliminate conflicting standards by integrating into the Sensitive Lands Chapter, portions of the Water Resources Overlay Chapter that are more stringent than USA or Sensitive Lands standards and deleting all other portions of the Water Resources Overlay Chapter.

#### <u>Title 3 Overview and USA Design and Construction Standards</u>

Title 3 contains performance standards for (1) flood and erosion control and for (2) stream water quality protection. The key flood control provisions include a requirement for the balancing of cut and fill within the floodplain, a prohibition on the storage of hazardous materials, and a requirement to supplement FEMA maps with 1996 flood and other pertinent data, if available. The key provision related to water quality protection is the imposition of vegetated corridors around streams and wetlands. The width of the corridor is based on the slope of the area adjacent to the stream. For year-round streams, the width varies from 50 to 200 feet. Streams with adjacent areas of 25% slope receive the widest setback.

In Washington County, the cities and the county have had a coordinated water quality program since 1990. This program, called SWM, provides one set of rules for all the jurisdictions to follow. Given the success of this program and a common desire to maintain the consistency it provides, the Washington County jurisdictions unanimously elected to meet Title 3 by building on the existing USA storm water management program. In late 1999, after a one-year collaborative planning process, the USA rules were revised to reflect the Title 3 performance standards. The revisions were adopted by the USA board after public hearings and became effective in February 2000. Thus, in Washington County, the new Title 3 standards are implemented through incorporation into the USA Design and Construction Standards, which all the cities within USA are required to follow as a minimum.

#### New USA Standards

The new USA rules require wider buffers around streams and wetlands and also require the enhancement to "good condition" of the first 15 to 50 feet of disturbed or degraded buffer areas. The USA rules limit development within sensitive water resource areas and adjacent corridors. The corridors range in width from 15 to 200 feet depending on the nature of the sensitive area and the slope of the surrounding terrain. Very steep areas receive the widest corridors. A chart showing the vegetated corridor widths is attached. Also, attached is a chart comparing the salient Title 3/USA standards to existing city standards. The main differences include: wider buffers on some streams, the required preservation or restoration to good condition of the first 50 feet of stream buffer, the protection of intermittent streams with 15' to 50' buffers, and wider

## Chart I Vegetated Corridor Widths

	Sensitive Area Definition	Slope Adjacent to Sensitive Area	Width of Vegetated Corridor per Side
	Figure 3.1 - Graphic 1		per side
•	Streams with intermittent flow draining:	< 25%	
•	10 to <50 acres		15 feet
•	≥50 to 100 acres		25 feet
•	Existing or created wetlands < 0.5 acre		25 feet
	Figure 3.1 - Graphic 2		
•	Existing or created wetlands ≥ 0.5 acre	<25%	50 feet
•	Rivers, streams, and springs with year round flow		
•	Streams with intermittent flow draining		
	>100 acres		
•	Natural lakes and ponds		
	Figure 3.1 - Graphic 3		
•	Streams with intermittent flow draining:	>25%	
•	10 to <50 acres		30 feet
•	≥50 to 100 acres		50 feet
	Figure 3.1 - Graphic 4		
•	Existing or created wetlands	> 25%	Variable from 50-200 ft
•	Rivers, streams, and springs with year		Measure in 25 foot increments
	round flow		from the starting point to the top
•	Streams with intermittent flow draining		of ravine (break in > 25% slope).
	≥100 acres		add 35 feet past the top of ravine
•	Natural lakes and ponds		•

#### Chart II

## Main Title 3/USA Requirements Compared with Existing City Standards With the more stringent standard highlighted

#### **Title 3/USA Requirements**

#### **Existing City Standards**

Flood Management		
Balanced cut and fill required	Balanced cut and fill required in com & indus zones Floodplain alteration prohibited in residential zones	
Maintenance of 1' rise floodway required	Maintenance of zero-rise floodway required	
Floor elevation 1' above floodplain, measured from bottom of floor beam	Floor elevation 1' above floodplain, measured from top of floor	
Storage of uncontained hazardous materials prohibited	No local regulation	
Use of flood zone data newer than existing 1981-84 FEMA maps required, if available	Fanno Creek basin floodplain updated 2000; Tualatin River and tributaries not updated	
Encourages bridges vs. culverts & stream crossing perpendicular to the stream	No local regulation	
Water Quality Protection		
Imposes variable 50-200' vegetated corridor around perennial streams, wellands, lakes, springs, & intermittent streams draining more than 100 ac.;	City imposes fixed 25-75' corridors: 75' along Tualatin R 50' along Fanno, Ball, and Ash Creeks 25' along Summer, N Ash, Red Rock, D Dell Cks	
Riparian slopes of 25% protected up to 200' from stream edge	City limits but does not restrict development of 25% slopes outside riparian buffer	
Protects intermittent streams and imposes vegetated corridor: - those draining 10-50 acres get 15' buffer - those draining 50-100 acres get 25' buffer	City does not protect intermittent streams; replacement of intermittent streams by public facility allowed	
Protects wetlands smaller than 0.5 acres and imposes 25' buffer	Same protection and buffer	
Wetlands identified by definition	Wetlands identified by map	
Restoration to good condition of first 50' of vegetated corridor required	Restoration of first 25' of vegetated corridor required	
Clearing or removal of vegetation within vegetated corridor prior to development prohibited	Clearing of area within 25', 50', and 75' corridors prohibited	
Flexibility provisions include: - averaging of 20% of frontage by 20% of width of degraded buffer - reduction by 20% of 125-200' degraded buffer - reduction to 15' of buffer extending 35' from top of ravine, with geotech report - Tier 1 Alternatives Analysis for degraded buffer with encroach up to 40% of length by 30% of width - Tier 2 Alternatives Analysis for (a) sensitive area,	Flexibility provisions include: - 50% reduction of degraded buffer along Tualatin R., Fanno, N Ash, & Ball Creeks - underlying zone adjustments up to 50% - hardship or taking variance - comp plan amendment (ESEE analysis) for (a) sensitive area, (b) good condition corridor, or (c) degraded buffer encroachment beyond 50% of width	

(b) good condition buffer, and (c) degraded buffer encroachment beyond Tier I %; includes hardship variance	
Exception for roads, paths, utilities, hazards, safety violations, replacement of existing development	Same exceptions relative to buffer encroachment, - Comp plan amendment required for sensitive area encroachment
Density transfer allowed for area within vegetated corridor	Transfer of residential units allowed for area within 25-75' corridor, plus 25% slope and floodplain, if wider
Multiple lot development required to place buffer area in separate tract - Physical separation (fencing) may be required - No-fouch easement may be required vis-a-vis buffers of all development types	Same separate tract requirement for multiple lot development
Erosion control measures required	Erosion control required

I/lrpn/dr/title3matrix

buffers around isolated wetlands larger than 0.5 acres. To provide flexibility in the land use review process and also to avoid takings in specific cases, the new standards allow for development to occur with appropriate conditions through buffer averaging and reduction and though an alternatives analysis or variance process. These provisions are described in Chart II. It is useful to note that along Fanno, the North Fork of Ash, and Ball Creeks, where the existing buffer is 50 feet and gradients are low, the new regulatory buffers generally do not exceed existing City standards.

Existing development located within a setback area is not subject to the new regulatory setbacks and is not required to be brought into conformity with the new rules. However, any proposed expansion of the existing use would be required to meet the new regulations.

The new regulations require that applicants for development near streams and wetlands prepare a site assessment and obtain a stormwater permit from USA prior to submitting a land use application to the City.

The Water Resource Overlay District section of the development code section was adopted in order to comply with Statewide Goal 5 for streams and wetlands. Many of its provisions are less stringent than the new USA standards. These lesser standards are removed by the code amendments. In order to maintain Goal 5 compliance, those standards that are more stringent than the USA standards are retained and, for purposes of streamlining and clarity, are integrated into the Sensitive Lands Chapter. As shown in Chart II, these more restrictive standards include a fixed 75-foot setback along the Tualatin River and the stronger protection of good condition buffers and sensitive areas.

#### Local Title 3 Compliance

Although existing intergovernmental agreements (IGAs) require Tigard and the other USA-affiliated jurisdictions to "follow and enforce the orders promulgated by the Agency", the IGAs do not specifically require that USA's standards and performance criteria be applied as criteria for land use approval. Up to now, the standards have been implemented by requiring land use applicants to obtain approvals by the City acting on behalf of USA before connection to the storm and surface water management system. Applicants presently are required to comply with the Design and Construction Standards as part of the development review process, in the same way that they are required to comply with design and construction standards for water lines, sanitary sewers, and streets, or with building structural code requirements, fire code requirements, and similar standards.

Tigard and most of the other jurisdictions apply USA standards as part of the engineering review that accompanies permits for connection to storm water system; the City acting on behalf of USA pursuant to the IGA thus functions as a storm/drainage service provider in each jurisdiction, and the land use review process requires the applicant to demonstrate that the service is available. In Tigard, USA standards are applied pursuant to the IGA, typically by the City Engineer during the development review process.

If USA, as the special district planning for water quality management in the basin, has enforceable standards in place that substantially comply with the performance standards of Title 3, and if cities and the county have coordinated comprehensive plans that assure implementation of those standards, then the cities and county should substantially comply with Title 3. However, because Title 3 provides that "local codes shall require" development to

conform to specific performance standards, Metro may and does require as part of substantial compliance that specific references in land use regulations identify the service provider and assure that USA standards are applied through the land use review process.

In conclusion, in order to complete Title 3 compliance, Tigard needs to adopt conforming amendments to its comprehensive plan and development code explicitly recognizing USA's role as a service provider whose storm/surface water management service is required as part of the land use review process. These required amendments are the subject of this application.

#### SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

The relevant criteria in this case are Statewide Planning Goals 1, 2, 6, and 7; Metro 1.1.1, 1.1.2, 2.1.1, 2.1.2, 2.1.3, 3.1.1, 3.2.1, 3.2.2, 3.2.4, 3.4.1, 3.4.2, 4.2.1, 7.1.1, 7.1.2; and 7.2.1 and Community Development Chapters 18.380 and 18.390; and Community Development Code Section 18.30.

The proposal is consistent with the applicable Statewide Planning Goals based on the following findings:

- 1. Goal 1, Citizen Involvement, is met because the City has followed its adopted citizen involvement program which involved review by its Citizen Involvement Team structure and public hearings as listed below. The City's Citizen Involvement Policies in the Comprehensive Plan have been acknowledged to be in compliance with Goal 1. Notice for all hearings was provided in the Tigard Times which summarized and outlined the amendments being made to existing plan and code provisions and was done so for each public hearing. Notices and information also were mailed to the owners of properties located within or partially within the regulatory boundary of a Title 3 vegetated corridor. This included approximately 1,400 property owners. Copies of the ordinance drafts have been available at least seven days prior to the hearings, which follows Community Development Code procedure.
- 2. Goal 2, Land Use Planning, is met because the City applied all relevant Statewide Planning Goals, City Comprehensive Plan Policies and Community Development Code requirements in review of this proposal.
- Goal 6, Air, Water and Land Resources Quality, is met because the proposed amendments provide greater protection for streams and wetlands than do existing regulations. These greater protections include wider buffers around sensitive water resource area and a requirement than good condition vegetated corridors be established.
- 4. Statewide Planning Goal 7, addressing areas subject to natural disaster and hazards, is satisfied, because the proposed changes meet or exceed the flood management standards included in the current code. These more restrictive standards include requiring a higher minimum floor elevation and prohibiting the storage of uncontained hazardous materials within the floodplain.

The proposal is consistent with the City's acknowledged comprehensive plan based on the following findings:

- 1. Policies 1.1.1.a. and c. are satisfied because the proposed code changes are consistent with Statewide Planning Goals as indicated above and the changes help to keep the development code current with local needs and recent administrative rule changes. In particular, the changes implement Title 3 of the Metro Framework Plan.
- 2. Comprehensive Plan Policy 1.1.2, consistency with the Comprehensive Plan and compliance with the plans of the Metropolitan Service District, is met because the amendments have been reviewed by Metro staff and have been determined to be consistent the Metro Framework Plan approved by the Land Conservation and Development Commission (LCDC).
- 3. Policies 2.1.1, 2.1.2 and 2.1.3, citizen involvement, are satisfied because the proposal has been reviewed at public hearings and through the City's Public Involvement process. All owners of property within identified Title 3 areas, some 1,400 owners, were sent written notice of the proposal and hearing schedule. This mailing included a general information sheet describing the amendments with a contact number provided for those with questions or wishing additional information. Individual property site maps, depicting approximate Title 3 boundaries, were mailed to some thirty property owners at their request. The full text of the proposed amendments was posted on the City WebPages. The staff report was made available more than seven (7) days prior to the hearings along with a draft of the proposed ordinance.
- 4. Policy 3.1.1 is satisfied because this policy calls for development control of wetlands and these amendments provide tools consistent with recent regional Unified Sewerage Agency and Metro rules to protect these resources.
- 5. Policy 3.2.1 and 3.2.2, prohibiting any land from alterations or developments within the 100-year floodplain that would result in any rise in elevation of the 100-year floodplain, is satisfied because the proposed amendments do not alter the existing requiring that the zero-rise floodway be maintained.
- 6. Policy 3.2.4 is satisfied because the amendments further restrict development within areas designated as significant wetlands and establish 25 to 200 feet setbacks from the outer edges of designated wetland areas.
- 7. Policy 3.4.1.a is satisfied because the Title 3 rules designate significant wetlands according to the criteria and procedures for the identification of significant wetlands established in the "Final Approved Administrative Rules for Identifying Significant Wetlands" adopted by the Division of State Lands.
- 8. Policy 3.4.2.a, which calls for the protection of fish and wildlife habitat along stream corridors, is satisfied because the proposal establishes mandatory setbacks from the top of banks and the edges of wetlands and requires that the areas within these setbacks remain undisturbed or enhanced with native vegetation.
- 9. Comprehensive Plan Policies 4.2.1, Water Quality, and 4.2.2, Wastewater Systems, are satisfied because the proposed amendments are intended to implement stream protection performance standards adopted by Metro. At the same time, the proposed standards go beyond the Metro standards by providing increased protection for

- intermittent streams and by requiring the enhancement to good condition of fifty foot vegetated corridors along stream and wetlands.
- 10. Comprehensive Plan Policy 7.1.1.a and f, Public Facilities and Services, is satisfied because the purpose of the amendments is to implement the rules and regulation of the Unified Sewerage District pertaining to the location of developments, including required stormwater retention ponds.
- 11. Comprehensive Plan Policy 7.1.2.a, Public Facilities and Services, is met because the new regulations require that a storm drainage connection permit be obtained from USA before development can occur.
- 12. Comprehensive Plan Policy 7.2.1, Storm Drainage and Wastewater Management, is satisfied because the proposed amendments stipulate that the City shall require as a pre-condition to development in sensitive water resource areas that a site development study be submitted to USA for review and approval according to stringent standards and that natural drainage ways and intermittent streams be maintained.
- 13. Community Development Code Chapter 18.380, Zoning Map and Text Amendments, and 18.390, Decision Making Procedures, are satisfied because all the procedures for Type IV application and a legislative code change were followed. The proposal is consistent with the City's acknowledged Comprehensive Plan and Development Code.

#### SECTION V. OTHER STAFF COMMENTS

The City of Tigard Operations and Engineering Divisions has reviewed the proposal and has offered no comments or objections.

The City of Tigard Current Planning Division has reviewed the proposal and has offered the following comments:

How would underground utilities, and other underground work be treated under the new code?

Response:

Under the proposed amendments, the review of underground utilities within vegetated corridors and sensitive areas would be conducted by the Unified Sewerage Agency according to the revised USA Design and Construction Standards. Following its review, the agency will issue a Storm Water Connection Permit for approved facility plans. City staff would not be responsible for reviewing underground utility plans within vegetated corridors. This responsibility will be delegated to USA. On the other hand, because existing Water Resources Overlay rules are more restrictive than the USA rules with regard to sensitive areas, the City would continue to be responsible for the review of underground utilities within these areas. Thus, utilities within sensitive areas will be subject to both USA and City review.

What happens to wetlands discovered but not mapped? Response: According to existing City regulations, wetlands that are overlooked or otherwise not mapped on the City Significant Wetlands Inventory are not subject to City wetlands regulations. Notwithstanding this, wetlands that meet the Federal definitions of a wetland are subject to conjunctive USA, State, and Federal regulations governing wetlands.

What happens if a vegetated corridor is degraded before or after a required site assessment, due to negligence or destruction on the part of the owner? Consider mitigation measures if owner causes destruction.

Response:

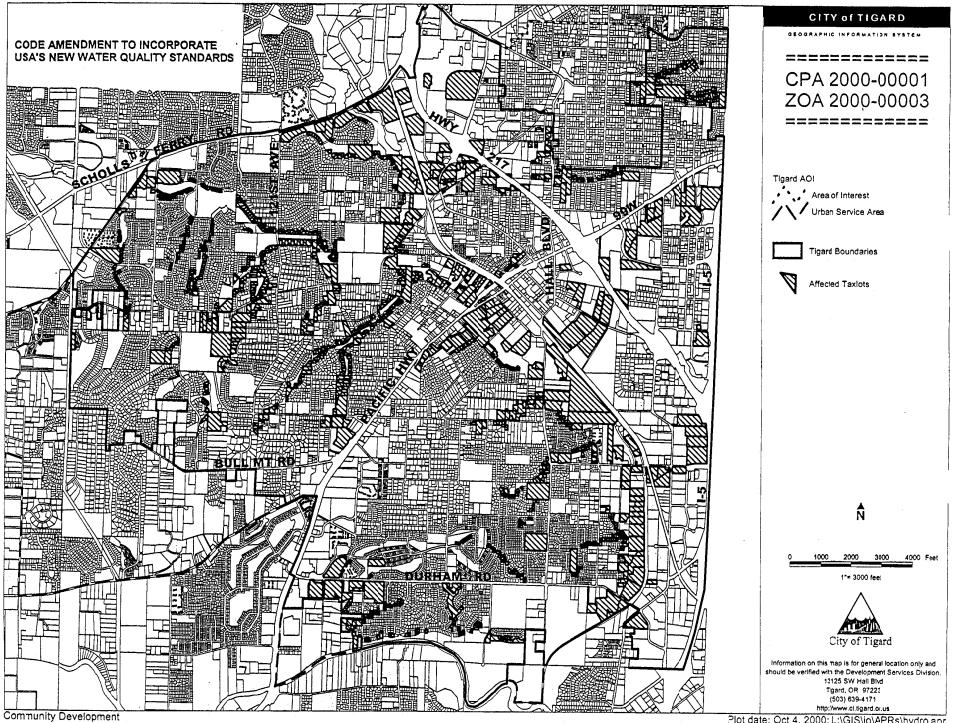
The new USA regulations prohibit any clearing within a vegetated corridor area without a permit. Any clearing that may take place prior to or inconsistent with site plan approval would be a violation of USA standards and would be subject to penalties and mitigation requirements.

#### SECTION VI. AGENCY AND CIT COMMENTS

No other comments have been received.

The Wetlands Conservancy, The Friends of Fanno Creek, The Tualatin Riverkeepers; The Association of Northwest Steelheaders; The Metropolitan Area Homebuilders; The Tigard Chamber of Commerce; Metro; The Oregon DLCD; The Division of State Lands; The Washington County Dept. of Land Use & Transportation; and members of the Citizen Involvement Team have all had the opportunity to review the proposal and have offered no written comments or objections. Officials of Metro and the Department of Land Conservation and Development made oral comments supportive of the proposed changes.

PREPARED BY:	Duane Roberts Associate Planner	<u>10/27/2000</u> DATE



AGENDA ITEM #	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

·	-	ement between the City of Tigard, City of
Tualatin and Washington County for D	urham Quarry site	
PREPARED BY: Julia Hajduk	DEPT HEAD OK	CITY MGR OK
	ISSUE BEFORE THE COUN	CIL
Should Council review and sign the int County regarding the Durham Quarry s	8	een Tigard, Tualatin and Washington
	STAFF RECOMMENDATION	<u>ON</u>
Authorize the Mayor to sign the intergo	overnmental agreement.	
	INTECOM A TION STIMMAD	V

The City of Tigard, City of Tualatin and Washington County have been meeting for over a year to plan for development of the Durham Quarry site. In June of 2001, the City of Tigard adopted Comprehensive Plan and Development Code standards for the portion of the site in Tigard to allow mixed use development on the site. The City of Tualatin adopted similar standards. The site is located primarily in Tualatin with a portion located in Tigard. It has been the intent that the site be developed as a whole under the review of one jurisdiction. Tigard indicated that the code changes would become effective upon signing an intergovernmental agreement which would define review authority for development of the site. The IGA was developed by all 3 jurisdictions with close

involvement from legal counsel. The City of Tualatin Council and Washington County Board of Commissioners are in the process of signing the agreement as well. The agreement will give Tualatin the authority to review and issue land use decisions and building permits for the whole site, including the portion in Tigard. Washington County agrees to contribute funds to cover lost permitting fees once a development proposal is submitted. In addition, further discussion on the allocation of System Development Charges (SDC) and Traffic Impact Fees (TIF) will take place once a final site plan is determined. Once initial development is complete, future permitting will be done by the respective jurisdiction.

#### OTHER ALTERNATIVES CONSIDERED

- Provide comments and direct consideration of additional changes to the IGA.
- Take no action.

#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

#### ATTACHMENT LIST

Attachment 1 – Intergovernmental Agreement

#### FISCAL NOTES

Upon a development proposal being submitted, Washington County will contribute funds to cover lost permitting fees to the City of Tigard. Tigard, Tualatin and Washington County will discuss the allocation of SDCs and TIF credits once a final site plan is determined for the Durham Quarry site.

#### URBAN SERVICES INTERGOVERNMENTAL AGREEMENT

#### **BETWEEN**

#### THE CITY OF TIGARD, THE CITY OF TUALATIN AND WASHINGTON COUNTY

#### RECITALS

- 1. This intergovernmental agreement, hereinafter "Agreement," is entered into on the last date shown on the signature page by City of Tigard, hereinafter "Tigard," the City of Tualatin, hereinafter "Tualatin," and Washington County, hereinafter "County," all political subdivisions of the State of Oregon; and
- 2. ORS 190.007 provides for the furthering of economy and efficiency in local government by intergovernmental cooperation.
- 3. ORS 190.010 provides that units of government may enter agreements for performance of any and all functions and activities that parties to the agreement, its officers or agencies have authority to perform.
- 4. The parties desire to enter into this Agreement for the purpose of allowing better coordination between Tualatin and Tigard in response to the imminent development on approximately 28.59 acres of property currently owned by County, plus additional land that may come under County control, known as the Durham Quarry.
- 5. The subject Durham Quarry property, which is currently undeveloped, includes approximately 21.43 acres within Tualatin and 7.16 acres within Tigard. If the property expands to areas outside of the original 28.59 acres, the terms and conditions of this agreement shall extend to all properties included within the development project.
- 6. It would be to the benefit of Tualatin, Tigard and the County to coordinate planning, engineering, and permit review for the development of the subject property.
- 7. All parties have agreed that the Durham Quarry property should be developed as a mixed-use development project. Tualatin has developed a Mixed Use Commercial zoning regulations to support this development concept. Tigard has adopted regulations for use on the land within Tigard that are similar to the standards Tualatin adopted.
- 8. County intends to lease or sell this property for purposes of future development consistent with the Mixed-Use Commercial zoning adopted by Tualatin and Tigard.

#### THE TUALATIN AND TIGARD AGREE AS FOLLOWS:

#### I. AREA AFFECTED BY THIS AGREEMENT

The area affected by this Agreement is the Durham Quarry property as shown on Exhibit 1 and any additional land that may become part of the project area.

#### II. DELEGATION OF AUTHORITY

Tigard delegates to Tualatin the authority to review and approve all land development and building permits for that portion of the Durham Quarry property that is within the City of Tigard.

#### III. DEVELOPMENT COSTS AND FEES

- a. <u>Land Development Fees</u>: All fees, charges and taxes for the land development and building permits for this property shall be paid to Tualatin except as provided by subsection (d) below.
- b. <u>Transportation Impact Fees</u>: Tualatin shall determine and identify the amount of TIF charged for the building(s) or portions of building(s) within the city of Tigard. Tigard, Tualatin and the County agree to work together to develop a system that will allow any TIF charges collected for development of the property to be used for TIF-eligible projects in any of the three jurisdictions, as the parties may further agree. If transportation system improvements are required that are not on the cities' transportation plans or the County TIF Base Report, the parties will initiate action to adopt those improvements into their plans or reports, subject to applicable criteria and procedure for taking such action.
- c. <u>TIF Credits</u>: For improvements to the transportation system required of the developer of the property, Tualatin shall make the determination of the amount of TIF credits to be issued for such improvements, according to the provisions of County Code Chapter 3.17. TIF credits for such improvements may be used to pay TIF charges within any portion of the property, or for any offsite improvements required by Tualatin, as the developer may request
- d. SDC's: Tigard charges a parks SDC, and a sewer SDC (if applicable) for development. Tualatin has a parks SDC, but not for commercial development. An accurate determination of the SDC's and their allocation cannot be determined until a final site plan has been determined. When the site plan has been determined, the SDC's shall be allocated based generally on the percentage of development in the Tualatin and Tigard. The parties shall meet and agree to a fair allocation of those SDC's. As Tualatin does not have a park SDC that is applicable to commercial development, all park SDC's on commercial development as determined by the allocation, shall be paid to Tigard. If SDC's are owed to Tigard, Tualatin shall require the developer to pay directly to Tigard this amount.

#### IV. OTHER PUBLIC SERVICES

The cities agree that when Tualatin has approved the ultimate design of the property, they will resolve how best to provide efficient public services to the property. This may be provided for in a separate intergovernmental agreement.

#### V. CONSDERATION FOR LOSS OF DEVELOPMENT RELATED REVENUE

In consideration of lost revenue for Tigard, County will pay Tigard \$16,000 within 30 days of receipt of the first development application for the Durham Quarry by Tualatin.

#### VI. DISPUTE RESOLUTION

In case of a dispute over the provisions of this Agreement, the City and County staff for each entity will immediately refer the dispute to the respective managers to resolve the dispute.

#### VII. NOTICE OF APPLICATIONS, DECISIONS and APPEALS

Tualatin shall give notice to Tigard and County of all tort claims, land use applications, hearings, decisions, building permits and any appeals of those decisions made under the authority of this Agreement. Tualatin shall have the authority of defend any claims or appeals arising from permits issued under this Agreement. Tigard and County may comment on, participate in, and intervene in any appeal of such a decision.

#### VIII. TERM OF AGREEMENT

This Agreement shall be effective upon final signature and shall remain in effect for a period of three (3) years after the issuance of the last building permit for site development of the subject property. The Agreement may be extended for a subsequent three (3) year term upon mutual agreement of the parties. This Agreement may be terminated by any party upon ninety (90) days written notice to the other parties. If Tigard terminates this Agreement before the permits for the portion of the property within Tigard are final, it shall return any amounts paid by County under section V above.

#### IX. COMPLIANCE WITH LAWS

Each party shall comply with all applicable federal, state and local ordinances, statutes, and regulations that are applicable to the services provided under this Agreement.

#### X. DEBT LIMITATION

This Agreement is expressly subject to the debt limitation of Oregon Counties as set forth in Article XI, Section 10 of the Oregon Constitution and is contingent upon funds being appropriated therefor.

#### XI. HOLD HARMLESS

Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts of omissions of that party.

#### XII. MODIFICATION

WASHINGTON COUNTY, OREGON

Modifications to this Agreement are valid only if made in writing and signed by all parties. This writing is intended as the final expression of the agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

**CITY OF TUAL ATIN, OREGON** 

In WITNESS THEREOF, the parties have executed this Intergovernmental Agreement on the date set below their signatures.

By: By: _ Tom Brian, Chair Washington Co. Board of Comm.	Lou Ogden, Mayor City of Tualatin
Date: Date:	
Approved as to form:	Approved as to form:
County Counsel	City Attorney
CITY OF TIGARD, OREGON	
By:  Jim Griffith, Mayor  City of Tigard	Approved as to form
Date:	City Attorney

AGENDA ITEM #	
FOR AGENDA OF	March 26, 2002

#### CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider an Ordinance Spreading the Assessments Among the Benefited Property Owners in the 69th Avenue Local Improvement District
PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Shall Council pass an ordinance spreading the assessments among the benefited property owners in the 69 <sup>th</sup> Avenue Local Improvement District (LID)?
STAFF RECOMMENDATION
Staff recommends that City Council pass the attached ordinance spreading the assessments among the benefited property owners in the 69 <sup>th</sup> Avenue LID.
<u>INFORMATION SUMMARY</u>
On January 22, 2002, City Council approved the methods of assessment and proposed assessment amounts for the 69 <sup>th</sup> Avenue LID through Resolution No. 02—07 and directed that a public hearing be set to consider objections to the proposed assessments. City Council further directed that benefited property owners be notified of the proposed assessments in accordance with Tigard Municipal Code (TMC) Section 13.04.060. The benefited owners were notified by certified mail. In addition, a Notice of Public Hearing was published in the <i>Tigard Times</i> on January 31, 2002 and February 7, 2002.
A Public Hearing to hear objections to the proposed assessments was conducted on February 12, 2002. Following the hearing, City Council made a tentative decision on the final assessment amounts. At its meeting on March 12, 2002, Council reaffirmed its decision and directed the preparation of an ordinance to assign a portion of the total overall project assessment to each owner in accordance with the assessment amounts determined by Council. The ordinance prepared for Council consideration sets the final overall assessment total for the district and the assessment amount for each of the benefited property owners. Approval of this ordinance allows the Finance Director to terminate the interim financing, begin the process for permanent financing of the local improvement district, and arrange for payment of the assessments with the benefited property owners.
OTHER ALTERNATIVES CONSIDERED
None
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

#### **ATTACHMENT LIST**

- Resolution No. 02-07 without attached Exhibit A
- Ordinance Spreading the Assessments Among the Benefited Property Owners
- Final Engineer's Report with final revisions dated March 13, 2002 as Exhibit A to the Ordinance.

#### **FISCAL NOTES**

The total project cost to be assessed to the benefited properties is \$1,476,056 less \$32,256 City participation for two residential lots. The amount to be assessed after that deduction is \$1,443,800 to be assessed in accordance with the Final Engineer's Report.

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#### CITY OF TIGARD, OREGON

#### **ORDINANCE NO. 02-**

AN ORDINANCE APPROVING THE FINAL ASSESSMENT FOR THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT AND SPREADING THE ASSESSMENT AMONG THE BENEFITED PROPERTY OWNERS.

**WHEREAS**, City Council passed Resolution No. 02-07 dated January 22, 2002 approving the methods of assessment, proposed final assessment amount, and proposed individual assessments for each of the benefited property owners in the 69<sup>th</sup> Avenue Local Improvement District (LID); and

**WHEREAS**, Resolution No. 02-07 directed that a public hearing be conducted to hear objections to the proposed assessments and further directed that notice be given in compliance with Tigard Municipal Code (TMC) Section 13.04.060; and

**WHEREAS**, notice was given by certified mail to the benefited property owners and was further given by publication in the Tigard Times on January 31, 2002 and February 7, 2002 in accordance with the requirements of TMC Section 13.04.060; and

**WHEREAS**, City Council conducted a public hearing on February 12, 2002 at City Hall to hear objections to the proposed assessments;

**WHEREAS**, the Final Engineer's Report was revised twice leading up to the public hearing with revision dates January 10, 2002 and February 11, 2002; and

WHEREAS, City Council, after hearing oral public testimony and reviewing written testimony, determined the final assessment amount and individual assessments for the benefited property owners; and

**WHEREAS**, the Final Engineer's Report dated November 2001 was revised for the final time reflecting the changes directed by City Council with revision date of March 13, 2002; and

**WHEREAS**, City Council directed the preparation of this ordinance approving the final assessment and spreading the final assessment amount to each of the benefited property owners in accordance with the final individual assessment amounts approved.

#### NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

**SECTION 1**: The Final Engineers Report for the 69<sup>th</sup> Avenue LID dated November 2001 incorporating final revisions dated March 13, 2002 is attached as Exhibit A and by this reference is incorporated as part of this Ordinance.

**SECTION 2**: The total LID costs to be assessed against benefited property owners is \$1,476,056.

**SECTION 3**: The total LID costs to be assessed against two residential property owners is reduced by \$32,256 in City participation for those two lots.

ORDINANCE No. 02-\_\_\_ Page 1

SECTION 4:	The total LID cost to be assessed less the \$32,256 in City participation for the two residential lots is \$1,443,800.		
SECTION 5:	The methods of assessment and proposed assessments for each of the benefited property owners as presented in Exhibit A are hereby approved and declared final.		
<b>SECTION 6</b> :	The Final Assessment amount shall be spread among the benefited property owners in accordance with the assessment amounts shown in Exhibit A.		
SECTION 7:	This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.		
PASSED:	By vote of a and title only, this day of _	dl Council members present af, 2002.	ter being read by number
		Catherine Wheatley, City Re	ecorder
APPROVED:	By Tigard City Council this	day of	, 2002.
		James E. Griffith, Mayor	
Approved as to fo	orm:		
City Attorney			
Date			

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#### CITY OF TIGARD, OREGON

#### RESOLUTION NO. 02-

A RESOLUTION APPROVING THE METHODS OF ASSESSMENT AND PROPOSED ASSESSMENTS TO BENEFITED PROPERTY OWNERS IN THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT, DIRECTING THAT NOTICE OF THE PROPOSED ASSESSMENTS BE GIVEN TO EACH PROPERTY OWNER, AND DIRECTING THAT A PUBLIC HEARING BE HELD TO CONSIDER OBJECTIONS.

**WHEREAS**, in June 1998, Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to improve certain streets in the 69<sup>th</sup> Avenue area; and

WHEREAS, at the Council meeting of March 9, 1999, Ordinance 99-07 was adopted officially forming the 69<sup>th</sup> Avenue Local Improvement District (LID 49); and

WHEREAS, final construction plans were prepared by DeHaas & Associates, Inc., and the project was advertised for bids; and

WHEREAS, the construction contract was awarded to W.A. Jones, Co., the construction began on June June 17, 1999, and was certified as substantially complete on April 21, 2000; and

**WHEREAS**, the City of Tigard is a participant in the assessed district, contributing an amount not-to-exceed \$200,000.00 for land acquisition costs to permit construction of the Beveland Street Extension between 68<sup>th</sup> Avenue and 69<sup>th</sup> Avenue; and

WHEREAS, the City contribution has been deducted from the total LID costs; and

WHEREAS, after deduction of the City contribution, the total amount remaining to be assessed against benefited property owners is \$1,589,211.00; and

**WHEREAS**, the Final Engineer's Report was completed in November 2001 with revisions on January 10, 2002 setting out the assessment methods and spreading total costs of the Local Improvement District among the benefited property owners; and

WHEREAS, Tigard Municipal Code (TMC) Section 13.04.060 requires that City Council adopt the assessment methods and proposed assessments; and

WHEREAS, TMC 13.04.055 further requires that Council direct that notice of proposed assessments be given to the benefited property owners and that a public hearing be held to consider objections.

#### NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Final Engineers Report for the 69<sup>th</sup> Avenue LID dated November 2001 is attached as Exhibit A and by this reference is incorporated as part of this resolution.

**SECTION 2**: The total LID costs to be assessed against benefited property owners is \$1,589,211.00.

RESOLUTION NO. 02-<u>O7</u> Page 1

The methods of assessment and proposed assessments as presented in the Final **SECTION 3**:

Engineer's Report are hereby approved.

Council hereby directs that a public hearing be held to consider objections, and that **SECTION 4**:

proper notice of the public hearing in accordance with TMC Section 13.04.060 be given

to each of the property owners to be assessed.

This Resolution shall be effective immediately. **EFFECTIVE DATE:** 

This  $2a \stackrel{nd}{=} day of fanuauf, 2002.$ PASSED:

ATTEST:

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# CITY OF TIGARD FINAL ENGINEER'S REPORT

**LID 49** 

## 69TH AVENUE LOCAL

### IMPROVEMENT DISTRICT

TIGARD, OREGON

NOVEMBER, 2001

(Final Revision, March 13, 2002)

98.189.118

DeHaas & Associates, Inc. Suite 300 - AGC Center 9450 SW Commerce Circle Wilsonville, OR 97070 (503) 682-2450 (503) 682-4018 Fax

#### L.I.D. No. 49 69th AVENUE LOCAL IMPROVEMENT DISTRICT

#### FINAL ENGINEER'S REPORT

#### **NOVEMBER, 2001**

This final Engineer's Report follows the full completion of the project, including all right-of-way acquisition proceedings.

The 69th Avenue Local Improvement District involves improvements to all or a portion of the following streets within the City of Tigard:

69th Avenue - Hampton Street to Dartmouth Street Elmhurst Street - 70th Avenue to ½ Block East of 69th Avenue Franklin Street - 69th Avenue to ½ Block East of 69th Avenue Beveland Street - 70th Avenue to 68th Avenue Dartmouth Street - 70th Avenue to 69th Avenue

General improvements include Streets and Water Quality, Storm Drainage and Detention, Sanitary Sewer, Water, Sidewalk, Street Trees and Barkdust, Undergrounding Utilities and Ancillary Improvements which included right-of-way acquisition, street lighting and miscellaneous minor improvements.

General financing of the project is accomplished by formation of a Local Improvement District (LID), a process whereby the City finances the construction, sells bonds to cover all project costs, places assessment liens on beneficial property owners, and allows the property owners to pay off the liens plus interest in six-month installments over a specific period (in this instance 20 years).

The City of Tigard is a participant in the assessment district. Initial intent was to contribute an amount not-to-exceed \$200,000.00 for land acquisition costs to permit construction of the Beveland Street Extension between 68th Avenue and 69th Avenue. Subsequently this amount was increased an additional \$60,657 because of increased taking costs and an additional \$52,500 to account for litigation claims that could possibly be recovered by the City. In addition, the Council elected to participate in half the assessment distributed to the two residential properties in the LID, an amount of \$32,256. Total City participation is \$345,413.

In addition to the Beveland right-of-way, dedications of land were acquired at 16 street corners to allow for construction of wheelchair ramps.

The total amount to be assessed against benefitted property owners is \$1,476,056 less \$32,256 City participation for the two residential lots = \$1,443,800.

#### Formation of LID

In June of 1998, Specht Development submitted a petition for formation of a Local Improvement District to improve streets in the 69th Avenue area.

Specht's petition for the LID was prompted by the need for street improvements required by the City to support Specht's Site Design Review (SDR) application for development. Four (4) other properties had SDR approvals conditioned upon street improvements and one other was eminent. Owners involved in the SDR process requiring street improvements were:

- 1. Specht Development, Inc.
- 2. Landmark Ford
- 3. Martin
- 4. McCroskey
- 5. Porter
- 6. Roth

Inasmuch as it was deemed far more efficient to construct required street and related improvements under a single project, the City set in motion the LID process for making such improvements.

City Engineering Staff presented a Preliminary Evaluation Report which was presented to Council at their meeting of October 13, 1998.

On October 27, 1998, Council passed Resolution 98 52 directing the Engineering Staff to prepare a Preliminary Engineering Report for the proposed 69th Avenue Local Improvement District. DeHaas & Associates, Inc. was retained by the City to provide engineering services.

At their meeting of 12/8/98, City Council expressed their desire to implement an element of the Tigard Triangle Street Plan and include the extension of Beveland Street from 68th Avenue to 69th Avenue in the project.

A Preliminary Engineer's Report (Preliminary Plans and cost estimates) was prepared and presented for review at a neighborhood meeting 1/14/99 in the TWD Auditorium.

The Preliminary Engineer's Report indicated that the LID boundary should be extended South to Hampton Street, and East to include the extension of Beveland Street from 69th Avenue to 68th Avenue. The extension to Hampton Street ensured that all of 69th Avenue between Hampton Street and Dartmouth Street would be improved to current standards, to include undergrounding of overhead utilities. The extension of Beveland Street from 69th Avenue to 68th Avenue complied with the requirement of the Tigard Triangle Street Plan to provide a direct connection from 68th Avenue to 72nd Avenue along Beveland Street. Engineering analysis found that the LID as proposed in the Preliminary Engineer's Report was feasible, and that the improvements could be completed by fall of 1999.

The Preliminary Engineer's Report was adjusted based upon continuing input and information provided, along with refinement of the proposed preliminary design.

On February 9, 1999 Council, after reviewing the Preliminary Engineer's Report, passed Resolution 99-10 declaring Council's intention to form a Local Improvement District (LID) to improve 69th Avenue and certain other streets within the Tigard Triangle in the City of Tigard.

The refined Preliminary Engineer's Report was reviewed at an informal meeting with benefitted property owners at City Hall on 2/17/99.

Council held a formal public hearing for formation of the District (LID) on 2/23/99. That hearing was continued to the Council meeting of 3/9/99 at which Ordinance 99-07 was adopted, officially forming the LID.

#### Construction

Final construction plans were prepared by DeHaas & Associates, Inc. and the project was advertised for bids. Ten (10) bids were received on 5/18/99 as follow:

1.	W.A. Jones Co.	\$ 832,341.70
2.	Coffman Excavation, Inc.	833,966.50
3.	Northwest Earthmovers, Inc.	855,859.30
4.	Emerald Tower, Inc.	879,117.99
5.	D & D Concrete & Utilities, Inc.	940,980.00
6.	Three Dimensional Contracting, Inc.	974,552.50
7.	The Saunders Company, Inc.	1,033,818.70
8.	Eagle Elsner, Inc.	1,035,266.90
9.	Kerr Contractors, Inc.	1,037.153.00
10.	P. Miller & Sons Contractors, Inc.	1,152,333.10

The construction contract was awarded to W.A. Jones Co. in the amount of \$832,341.70 and W.A. Jones was issued a notice to proceed on 6/17/99. The construction was certified as substantially complete on 4/21/00. Final W.A. Jones construction cost was \$931,472.20 which included \$70,200.47 in change orders, the largest change order being \$17,986.45 for moving the Pierce building off of Beveland Street.

#### Assessment Methods

This is a comprehensive LID, inasmuch as a series of different improvement elements were included, each of which benefit a different set of properties. Assessment methods recognize improvements already completed. Accordingly, each set of improvements is assessed by a method which recognizes its appropriate area or element of benefit and fairly distributes the costs. Improvement elements have been separated as follow:

#### 1. Street Improvements

50% of costs on a Frontage Basis

50% of costs on an Area Basis

This method mitigates unfairness related to properties of variable shape and size and reduces the heavy impact on corner parcels that would occur if a 100% Frontage Basis were used.

#### 2. Storm Drainage Improvements

100% of costs on an Area Basis

#### 3. Sanitary Sewer Improvements

Service extension costs on a Per Each Basis Remaining costs on an Area Basis

#### 4. Water Improvements

Service extensions and new hydrant costs on a Per Each Basis

#### 5. Sidewalk Improvements

100% of costs on a Frontage Basis

#### 6. Street Trees and Barkdust

Barkdust:

100% of costs on a Frontage Basis

Street Trees:

100% of costs on a Per-Tree Basis (Preliminary Engineer's Report 100% on a

Frontage Basis)

#### 7. Undergrounding Power, Telephone and TV

100% of costs on an Area Basis

#### 8. Ancillary Improvements

100% of the following costs on an Area Basis

- a. Right-of-way acquisition, including right-of-way and demolition costs related to the taking of right-of-way for Beveland between 69th and 68th.
- b. Added catch basin and lateral at NW corner of 69th and Hampton.
- c. Reconstruction of wheelchair ramp at NW corner of 69th and Hampton.
- d. Street Lighting.

Exhibit A illustrates the overall LID boundary.

Exhibit B is the Final Assessment Roll.

Maps illustrating the respective elements, areas of benefit and assessment factors are identified as Exhibits C-1 through C-8 and D-1 through D-8 respectively.

Exhibit D-9 includes a summary of individual total assessment costs.

Exhibit E provides a record of all costs and calculations for distribution to each assessment element.

Exhibits F1 - F16 provides a record of reports, resolutions, ordinances, hearings, meetings and other pertinent project documentation.

This Final Engineer's Report has been prepared in a manner which acknowledges all the Council's decisions and actions to date. The Final Assessment roll reflecting the total of those actions is attached as Exhibit "B".

Sincerely,

Marlin J. DeHaas, P.E., P.L.S. President

cc: 98.189.118

Exp. 12/31/01

#### cc: 98.189.118

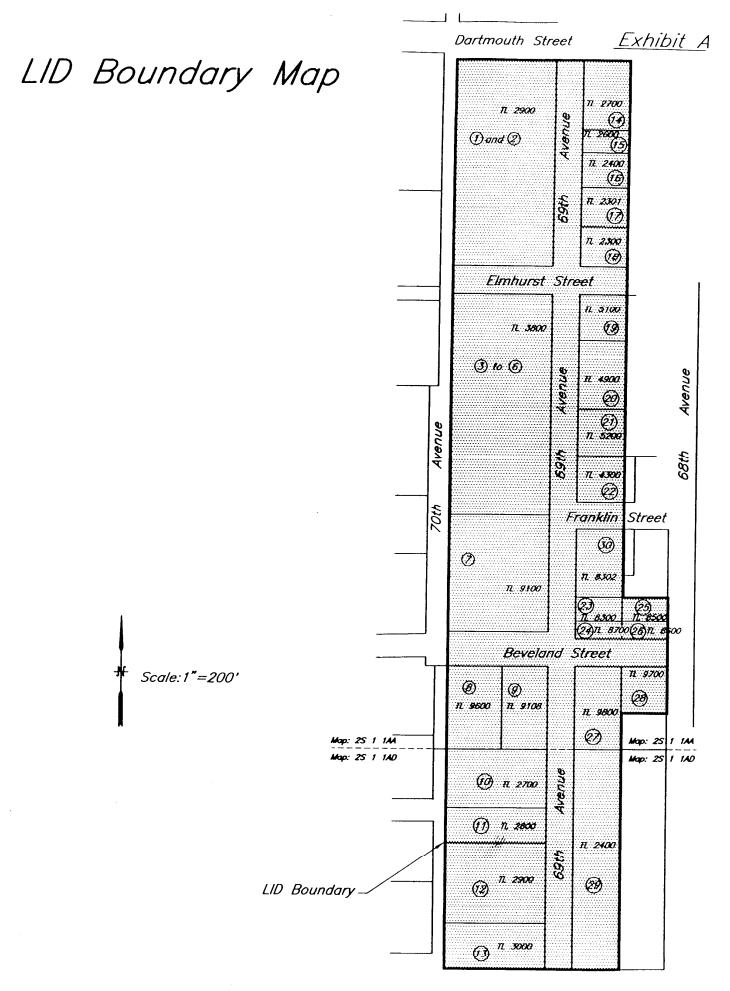
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- Exhibit A LID Boundary.
- Exhibit B Assessment Roll.
- Exhibits C-1 through C-8 Areas or Elements of Benefit.
  - C-1 Street and Water Quality Improvements
  - C-2 Storm Drain and Detention Improvements
  - C-3 Sanitary Sewer Improvements
  - C-4 Water Improvements
  - C-5 Sidewalk Improvements
  - C-6 Street Trees and Barkdust Improvements
  - C-7 Undergrounding Power, Telephone and TV
  - C-8 Ancillary Improvements

#### Exhibits D-1 through D-8 Individual Assessment and Assessment Factors for Each Construction Element.

- D-1 Street and Water Quality Improvements
- D-2 Storm Drain and Detention Improvements
- D-3 Sanitary Sewer Improvements
- D-4 Water Improvements
- D-5 Sidewalk Improvements
- D-6 Street Trees and Barkdust Improvements
- D-7 Undergrounding Power, Telephone and TV
- D-8 Ancillary Improvements
- Exhibit D-9 Summary of Individual Total Assessment Costs.
- Exhibit E A record of all costs and calculations for distribution to each assessment element.
- Exhibits F-1 through F-16 A record of reports, resolutions, ordinances, hearings, meetings and other pertinent project documentation.
  - F-1 Staff Preliminary Evaluation Report for Proposed 69th Avenue LID 10/13/98
  - F-2 Resolution No 98-52, Resolution directing Staff to prepare a Preliminary Engineering Report, 10/27/98
  - F-3 Preliminary Engineer's Report
  - F-4 Resolution No 99-10, Resolution Declaring Council's Intent to Form the LID
  - F-5 Notice for Neighborhood Meeting of 1/14/99
  - F-6 Agenda Outline for Neighborhood Meeting of 1/14/99
  - F-7 Acknowledgment of Adoption of 20-year Term for Repayment and Criteria for Deferral of Special Assessments, 2/8/99
  - F-8 Notice of Informal Public Meeting of 2/17/99 an Formal Public Hearing before Council of 2/23/99
  - F-9 Agenda Outline for Informal Public Meeting of 2/17/99
  - F-10 Notice of Continuation of Public Hearing to 3/9/99
  - F-11 Ordinance No 99-07, Ordinance forming the District (LID) and Ordering the Improvements to be made, 3/9/99
  - F-12 Advertisement for Bids for Construction, 5/4/99
  - F-13 Tabulation of Bids and Recommendation of Award to W.A. Jones Co., 5/19/99
  - F-14 Notice to Proceed, 6/17/99
  - F-15 Certificate of Work Completion and Acceptance
  - F-16 Final Payment Estimate

## EXHIBIT A



Hampton Street

## EXHIBIT B

### FINAL ASSESSMENT ROLL

(and Ownership Report)

L.I.D. 49

### 69th AVENUE LID

NOVEMBER, 2001

(Final Revision 3/13/02)

**EXHIBIT B** 

Ident. No.	Tax Lot No.	Owner	Assessed Valuation	Outstanding Assessment	Bonding Capacity	Final Assessment	Bonding Deficiency
1&2	2900	Tigard Corporate Center 15400 Millikan Way Beaverton, OR 97006	\$9,962,880	0	8,302,400	\$288,835	0
3-6	3800	Tigard Corporate Center 15400 Millikan Way Beaverton, OR 97007	6,104,020	0	5,086,683	325,583	0
7	9100	Tigard Corporate Center 15400 Millikan Way Beaverton, OR 97008	5,793,140	0	4,827,617	189,586	0
8	9600	Stephen W. & Lynn Peirce 12560 SW 70 <sup>th</sup> Tigard, OR 97223	204,910	0	170,758	50,753	0
9	9108	R & D Property Dev LLC 12559 SW 69 <sup>th</sup> Tigard, OR 97223	617,300	0	514,417	54,847	0
10	2700	John B. McCroskey 1380 Morning Sky Ct Lake Oswego, OR 97034	569,640	0	474,700	19,094	0
11	2800	Don R. & Cynthia Sue Morton 3109 NE Broadway Portland, OR 97223	144,870	0	120,725	28,037	0
12	2900	Triangle Terrace LLC 12600 SW 72nd Ave #200 Tigard, OR 97223	1,687,640	0	1,406,367	65,824	0
13	3000	KF LLC 7407 SW Hunt Club Dr Portland, OR 97224	1,106,870	0	922,392	7,343	0
14	2700	Landmark Ford Inc. PO Box 23970 Tigard, OR 97281	183,540	0	152,950	37,552	0
15	2600	Landmark Ford Inc. PO Box 23970 Tigard, OR 97282	117,100	0	97,583	15,757	0
16	2400	Landmark Ford Inc. PO Box 23970 Tigard, OR 97283	91,160	0	75,967	23,840	0

Bonding Capacity = <u>Assessed Valuation</u>

Rev. 3/13/02

Ident.	Tax Lot No.	Owner	Assessed Valuation	Outstanding Assessment	Bonding Capacity	Final Assessment	Bonding Deficiency
17	2301	Ella J. Opdal 12170 SW 69th Ave Tigard, OR 97223	\$132,660	0	110,550	*14463	0
18	2300	Cecil & Donna Rae Jones 12190 SW 69th Ave Tigard, OR 97223	148,200	0	123,500	*17,794	0
19	5100	Landmark Ford Inc. PO Box 23970 Tigard, OR 97283	99,490	0	82,908	24,092	0
20	4900	Fairmark Investments LLC PO Box 901 Tualatin, OR 97062	152,820	0	127,350	48,366	0
21	5200	Landmark Ford Inc. PO Box 23970 Tigard, OR 97283	552,000	0	460,000	32,331	0
22	4300	Landmark Ford Inc. PO Box 23970 Tigard, OR 97283	141,870	0	118,225	23,683	0
23	8300	J.T., Jr. & Theresa A. Roth 12600 SW 72nd Ave Ste 200 Tigard, OR 97223	57,630	0	48,025	14,942	0
24	8700	J.T., Jr. & Theresa A. Roth 12600 SW 72nd Ave Ste 200 Tigard, OR 97224	47,270	0	39,392	21,660	0
25	8500	J.T., Jr. & Theresa A. Roth 12600 SW 72nd Ave Ste 200 Tigard, OR 97225	57,630	0	48,025	2,179	0
26	8600	J.T., Jr. & Theresa A. Roth 12600 SW 72nd Ave Ste 200 Tigard, OR 97226	126,480	0	105,400	14,845	0
27	9800	J.T., Jr. & Theresa A. Roth 12600 SW 72nd Ave Ste 200 Tigard, OR 97227	939,950	0	783,292	22,891	0
28	9700	Mark R. Dana 12585 SW 68th Ave Tigard, OR 97223	441,070	0	367,558	17,800	0

<sup>\*</sup>Total assessable less City

Participation

Bonding Capacity =  $\underline{\text{Assessed Valuation}}$ 

Rev. 3/13/02

#### 69th Avenue Reconstruction LID Assessment Roll

Ident. No.	Tax Lot No.	Owner	Assessed Valuation	Outstanding Assessment	Bonding Capacity	Final Assessment	Bonding Deficiency
29	2400	George Fox University 414 N Meridian Newberg, OR 97132	\$5,256,530	0	4,380,442	\$28,839	0
30	8302	Peter & Eloise Szamblean 3258 LakeviewBlvd Lake Oswego, OR 97035	786,590	0	655,492	52,664	0

Bonding Capacity = <u>Assessed Valuation</u>

1.2

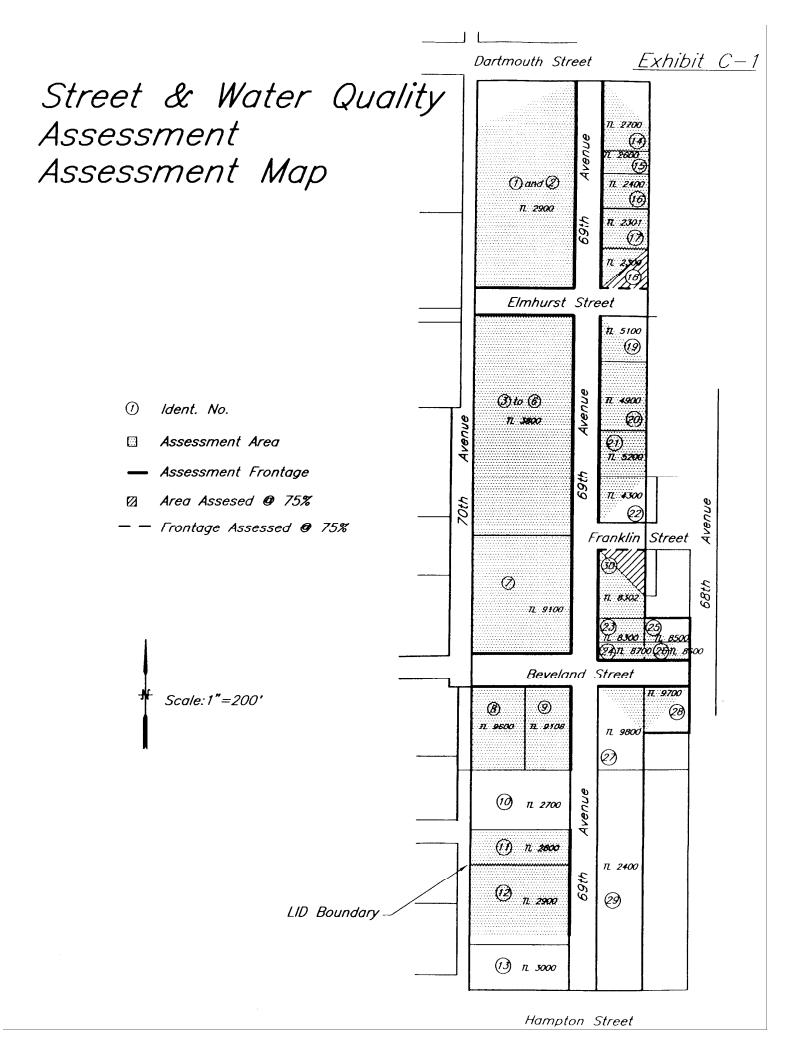
Total Assessable Costs Less City Participation (Residential Lots) \$1,476,056

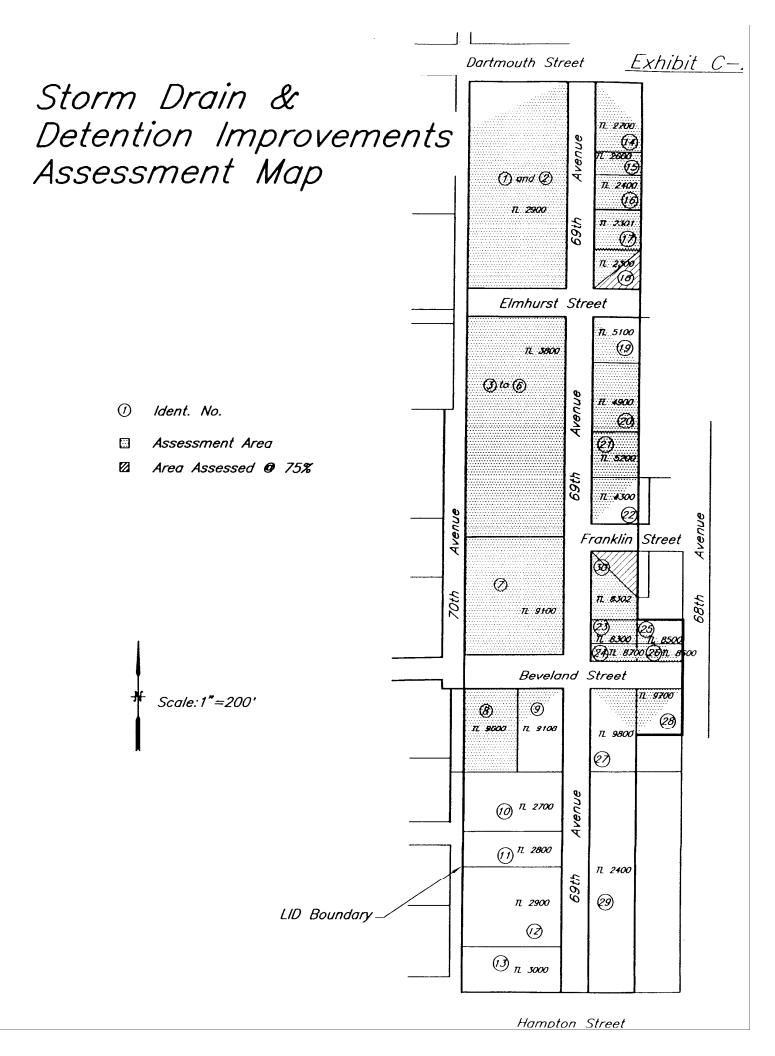
(32,256)

Amount to be Assessed

\$1,443,800

# **EXHIBITS** C-1 through C-8



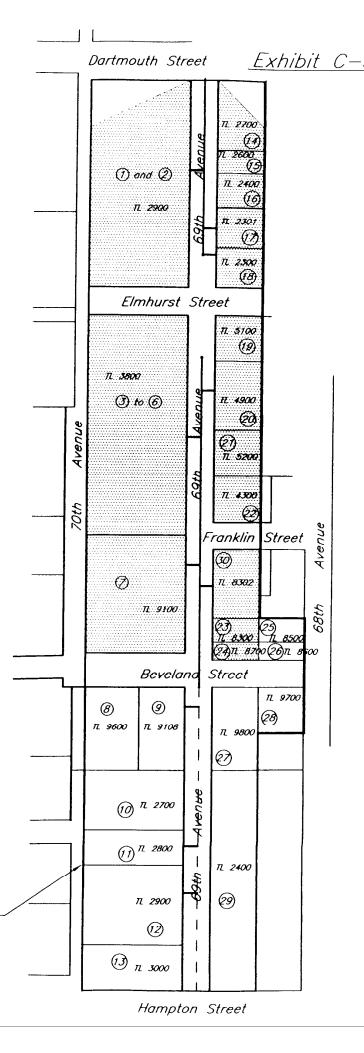


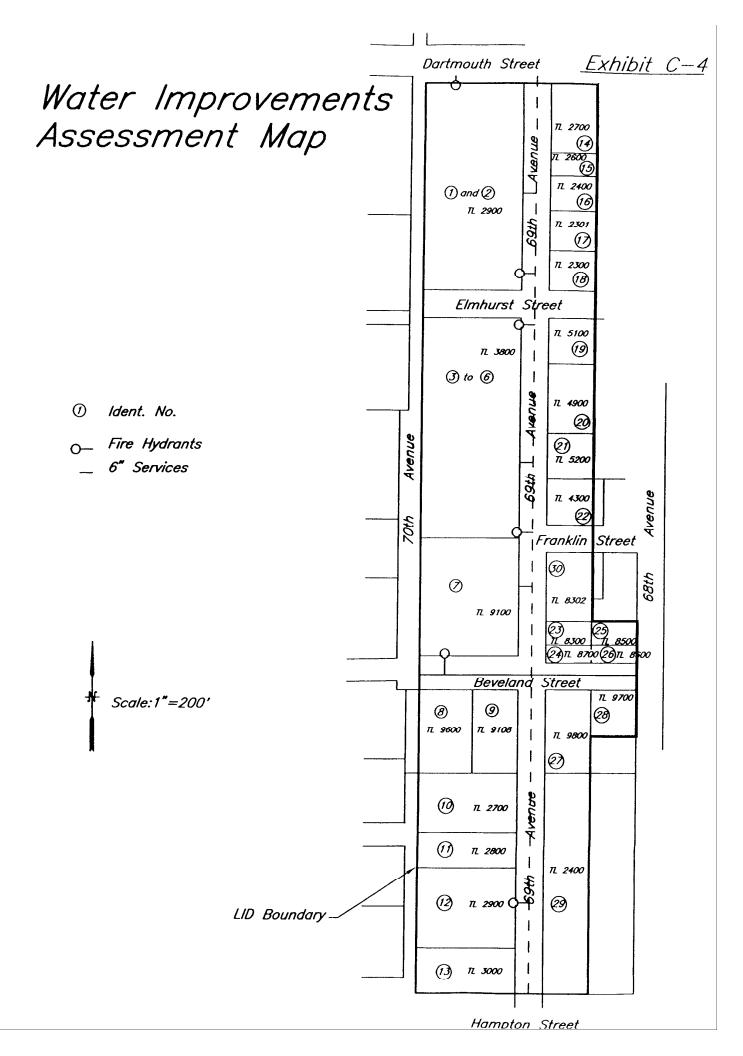
Sanitary Sewer Improvements Assessment Map

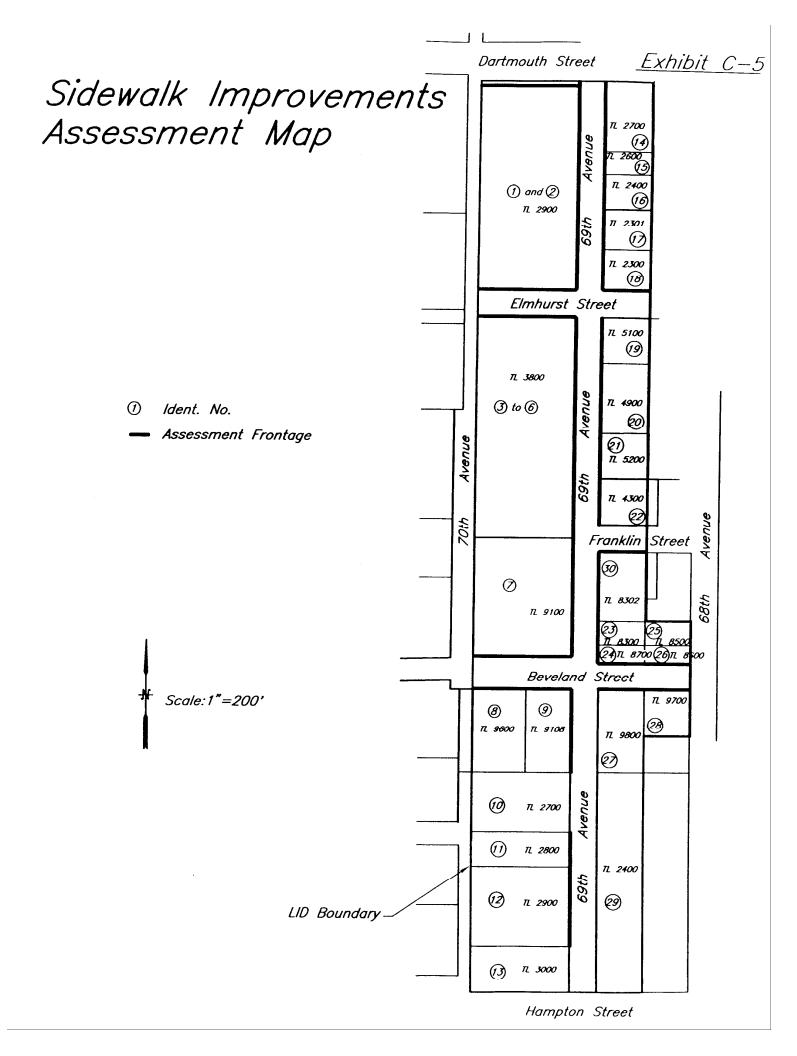
- ① Ident. No.
- Assessment Area
- services

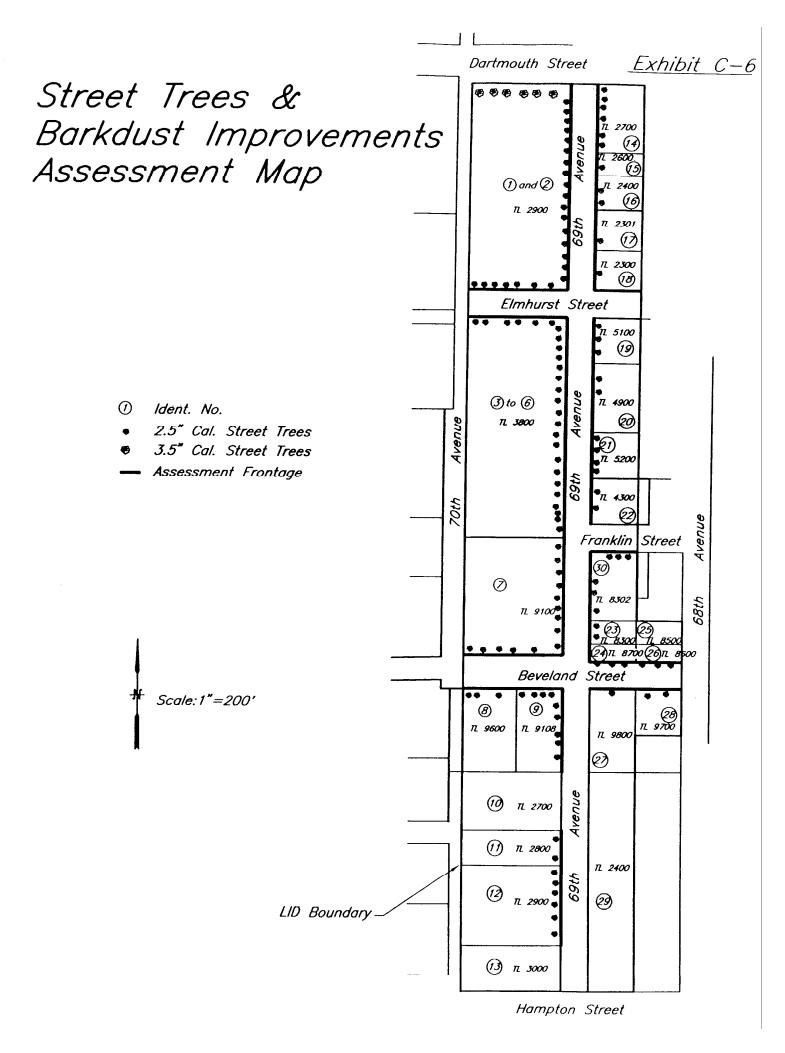
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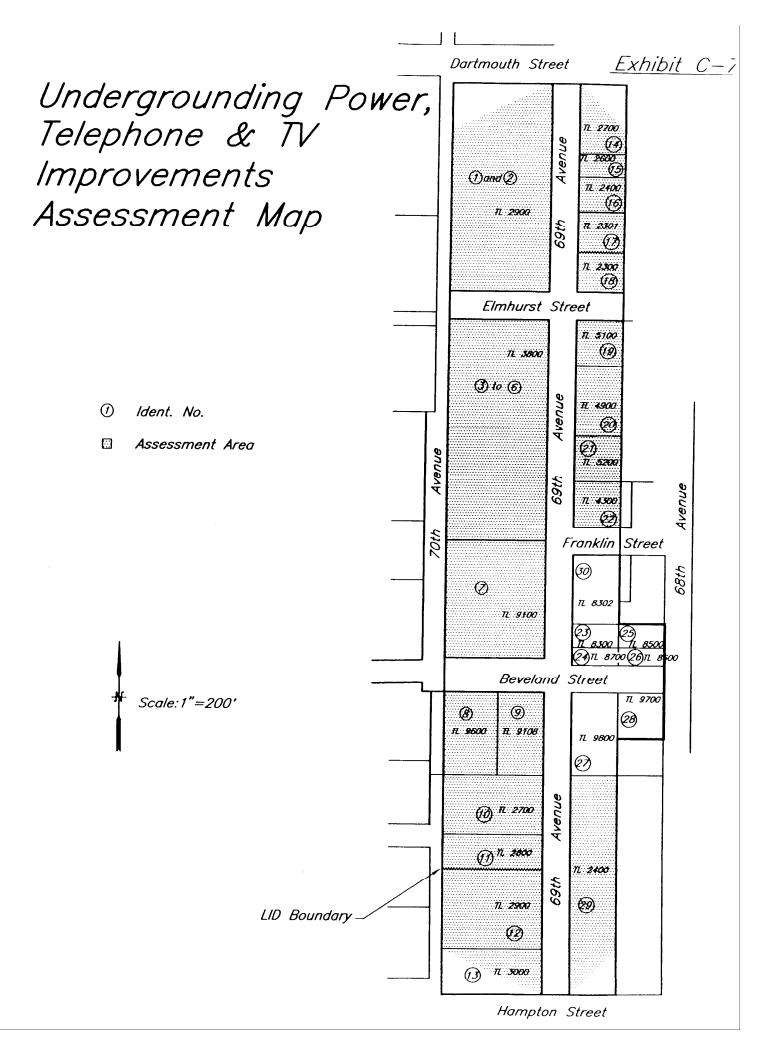
LID Boundary

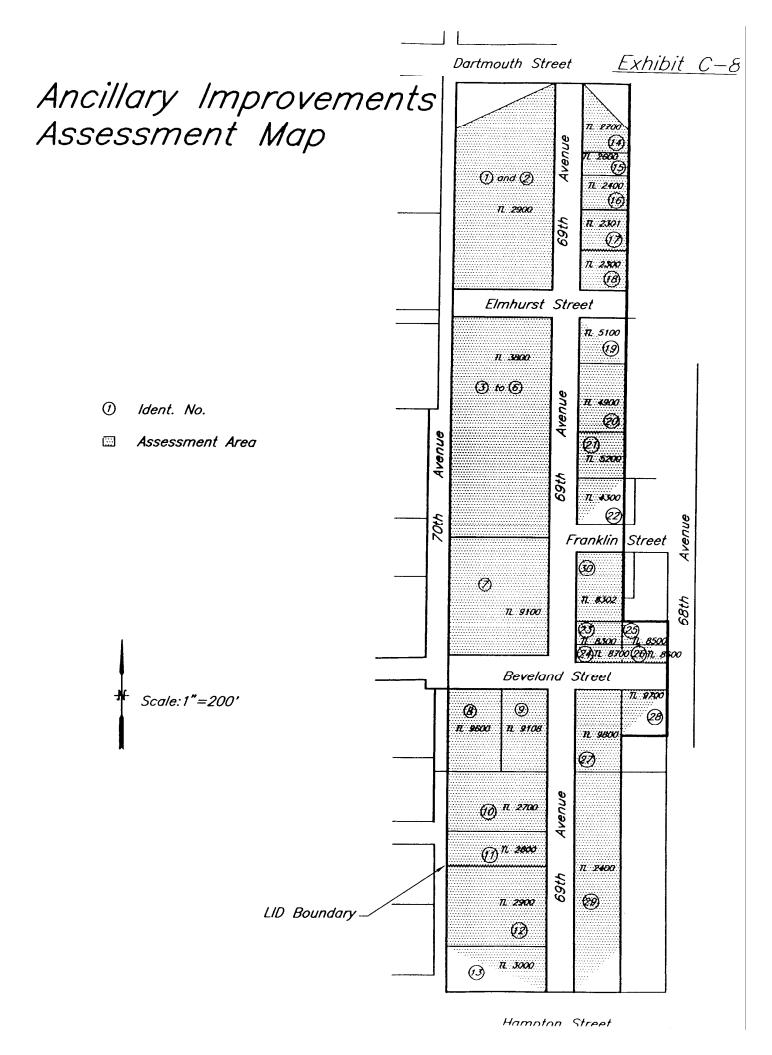












# EXHIBITS D-1 through D-8

## 69th Avenue Reconstruction LID Street and Water Quality Improvements

Ident. No.	Tax Lot No.	Frontage (ft)	Area (ft²)	Frontage Costs	Area Costs	Total Assessable Costs
1&2	2900	669	87,522	\$34,315	\$41,544	\$75,859
3-6	3800	699	105,048	35,853	49,863	85,716
7	9100	479	56,868	24,569	26,993	51,562
8	9600	119	21,420	6,104	10,167	16,271
9	9108	280	17,998	14,362	8,543	22,905
10	2700	0	0	0	0	0
11	2800	75	16,425	3,847	7,796	11,643
12	2900	155	33,945	7,950	16,112	24,062
13	3000	0	0	0	0	0
14	2700	150	10,000	7,694	4,747	12,441
15	2600	50	5,000	2,565	2,373	4,938
16	2400	75	7,500	3,847	3,560	7,407
17	2301	88	8,800	4,514	4,177	8,691
18	2300	* 163	* 7,686	8,361	3,648	12,009
19	5100	100	4,982	5,129	2,365	7,494
20	4900	150	15,000	7,694	7,120	14,814
21	5200	100	10,000	5,129	4,747	9,876
22	4300	100	4,982	5,129	2,365	7,494
23	8300	50	5,000	2,565	2,373	4,938
24	8700	140	3,964	7,181	1,882	9,063
25	8500	0	1,400	0	665	665
26	8600	100	3,102	5,129	1,472	6,601
27	9800	100	4,982	5,129	2,365	7,494
28	9700	100	5,000	5,129	2,373	7,502
29	2400	0	0	0	0	0
30	8302	* 225	* 13,664	11,541	6,486	18,027
		4,167 ft	450,288 ft <sup>2</sup>	\$213,736	\$213,736	\$427,472

Street & Water Quality Improvements (General Construction)

\$427,472

\* 75% Assessment - See Exhibit C-1

Assessment Formula

50% of costs on Frontage Basis 50% of costs on Area Basis \$213,736/4,167 ft =

\$51.29 /ft

 $$213,736/450,288 \text{ ft}^2 =$ 

 $0.475 / \text{ft}^2$ 

### 69th Avenue Reconstruction LID Storm Drain and Detention Improvements

T.14	Tow Lot		Special		Total
Ident.	Tax Lot	Area (ft <sup>2</sup> )	Services	Area Costs	Assessable
No.	No.		Specht		Costs
1&2	2900	87,522	\$0	\$57,378	\$57,378
3-6	3800	105,048	2,322	68,867	71,189
7	9100	56,868	0	37,282	37,282
8	9600	21,420	0	14,042	14,042
9	9108	5,000	0	3,278	3,278
10	2700	0	0	0	0
11	2800	0	0	0	0
12	2900	0	0	0	0
13	3000	0	0	0	0
14	2700	10,000	0	6,556	
15	2600	5,000	0	3,278	3,278
16	2400	7,500	0	4,917	4,917
17	2301	8,800	0	5,769	
18	2300	* 7,686	0	5,039	5,039
19	5100	4,982	0	3,266	3,266
20	4900	15,000	0	9,834	9,834
21	5200	10,000	0	6,556	
22	4300	4,982	0	3,266	3,266
23	8300	5,000	0	,	
24	8700	3,964	0	2,599	
25	8500	1,400	0	918	
26	8600	3,102	0	,	
27	9800	4,982	0	3,266	3,266
28	9700	5,000	0	3,278	3,278
29	2400	0	0	0	
30	8302	* 13,664	0	8,958	8,958
		386,920 ft²	\$2,322	\$253,658	\$255,980

Storm Drain & Detention Improvements (General Construction) \$253,658

Special Services for Specht \$2,322
\$255,980

Assessment Formula (General Construction)

Costs on Area Basis  $$253,658/386,920 \text{ ft}^2 = $0.65558 /\text{ft}^2$ 

<sup>\* 75%</sup> Assessment - See Exhibit C-2

#### **Sanitary Sewer Improvements**

Ident. No.	Tax Lot No.	Area (ft²)	Service (ea)	Area Costs	Service costs	Total Assessable Costs
1&2	2900	87,522	1	\$30,486	\$1,505	\$31,991
3-6	3800	105,048	1	36,591	1,505	38,096
7	9100	56,868	1	19,809	1,505	21,314
8	9600	0	0	0	0	0
9	9108	0	1	0	1,505	1,505
10	2700	0	0	0	0	0
11	2800	0	1	0	1,505	1,505
12	2900	0	1	0	1,505	1,505
13	3000	0	0	0	0	0
14	2700	10,000	0	3,483	0	3,483
15	2600	5,000	0	1,742	0	1,742
16	2400	7,500	0	2,612	0	2,612
17	2301	8,800	1	3,065	1,505	4,570
18	2300	8,800	1	3,065	1,505	4,570
19	5100	9,964	0	3,471	0	3,471
20	4900	15,000	1	5,225	1,505	6,730
21	5200	10,000	0	3,483	0	3,483
22	4300	9,964	0	3,471	0	3,471
23	8300	5,000	1	1,742	1,505	3,247
24	8700	3,964	0	1,381	0	1,381
25	8500	0	0	0	0	0
26	8600	0	0	0	0	0
27	9800	0	0	0	0	O
28	9700	0	0	0	0	0
29	2400	0	0	0	0	0
30	8302	14,902	0	5,191	0	5,191
		358,332 ft <sup>2</sup>	10	\$124,817	\$15,050	\$139,867

Sanitary Sewer Improvements (General Construction)	\$124,817
Services	\$15,050
	\$139.867

Assessment Formula

Sanitary Sewer Improvements  $$124,817/358,332 \text{ ft}^2 = $0.34833 / \text{ft}^2$ Services \$1,505 ea.

### 69th Avenue Reconstruction LID Water Improvements

		r		T	1	·
7.1	m + .	6"	T			Total
Ident.	Tax Lot			1	Fire Hydrant	
No.	No.	(ea)	(ea)	Costs	Costs	Costs
1&2	2900	1	2	\$4,766		\$14,709
3-6	3800	1	2	4,766		14,709
7	9100	1	l	4,766	4,971	9,738
8	9600	0	0	0	0	C
9	9108	0	0	0	0	
10	2700	0	0	0	0	C
11	2800	0	0	0	0	C
12	2900	0	1	0	4,971	4,971
13	3000	0	0	0	0	C
14	2700	0	0	0	0	C
15	2600	0	0	0	0	0
16	2400	0	0	0	0	O
17	2301	0	0	0	0	0
18	2300	0	0	0	0	0
19	5100	0	0	0	0	0
20	4900	0	0	0	0	0
21	5200	0	0	0	0	0
22	4300	0	0	0	0	0
23	8300	0	0	0	0	0
24	8700	0	0	0	0	0
25	8500	0	0	0	0	0
26	8600	0	0	0	0	0
27	9800	0	0	0	0	0
28	9700	0	0	0	0	0
29	2400	0	0	0	0	0
30	8302	0	0	0	0	0
		3.00	6.00	\$14,299	\$29,828	\$44,128

#### Assessment Formula

6" Services 3@ \$4,766 = \$14,299

Hydrants 6@ \$4,971 = \$29,828

### 69th Avenue Reconstruction LID Sidewalk Improvements

Ident. No.	Tax Lot No.	Extra Sidewalk (ft²)	Tree Grates	Frontage (ft)	Extra Sidewalk Costs	Tree Grates Costs	Frontage Costs	Total Assessable Costs
1&2	2900	566	4	669	\$2,557	\$3,755	\$26,446	\$32,758
3-6	3800	566	4	699	2,556	,	27,632	33,943
7	9100	566	4	479	2,556	3,755	18,935	25,246
8	9600	0	0	119	0	0	4,704	4,704
9	9108	0	0	280	0	0	11,069	11,069
10	2700	0	0	0	0	0	0	0
11	2800	0	0	75	0	0	2,965	2,965
12	2900	0	0	175	0	0	6,918	6,918
13	3000	0	0	0	0	0	0	0
14	2700	0	0	150	0	0	5,930	5,930
15	2600	0	0	50	0	0	1,977	1,977
16	2400	0	0	75	0	0	2,965	2,965
17	2301	0	0	88	0	0	3,479	3,479
18	2300	0	0	188	0	0	7,432	7,432
19	5100	0	0	100	0	0	3,953	3,953
20	4900	0	0	150	0	0	5,930	5,930
21	5200	0	0	100	0	0	3,953	3,953
22	4300	0	0	100	0	0	3,953	3,953
23	8300	0	0	50	0	0	1,977	1,977
24	8700	0	0	140	0	0	5,534	5,534
25	8500	0	0	0	0	0	0	C
26	8600	0	0	100	0	0	3,953	3,953
27	9800	0	0	100	0	0	3,953	3,953
28	9700	0	0	100	0	0	3,953	3,953
29	2400	0	0	0	0	0	0	C
30	8302	0	0	250	0	0	9,883	9,883
		1,698 ft²	12	4,237 ft	\$7,669	\$11,265	\$167,494	\$186,428

Sidewalk Improvements

\$186,428

Assessment Formula

Costs on Frontage Basis

\$167,494/4,237 ft =

\$39.5313 /ft

(General Construction)

Costs directly to Specht

Extra Sidewalk

 $1,698 \text{ ft}^2 @ \$4.52/\text{ft}^2 =$ 

\$7,669

Tree Grates

12 @ \$938.76 ea.

\$11,265

## 69th Avenue Reconstruction LID Street Trees and Barkdust Improvements

Ident.	Tax Lot	Frontage	3.5" Cal.	2.5" Cal.	Barkdust		Total
No.	No.	(ft)	Trees (Ea)	Trees	Frontage	Tree Costs	Assessable
		(11)	Trees (Ea)	(Ea)	Costs	ž.	Costs
1&2	2900	888	6	24	\$1,067	\$16,373	\$17,440
3-6	3800	699	0	26	840	10,636	11,476
7	9100	479	0	14	576	5,727	6,303
8	9600	119	0	3	143	1,227	1,370
9	9108	280	0	9	337	3,682	4,019
10	2700	0	0	0	0	0	0
11	2800	75	0	2	90	818	908
12	2900	175	0	6	210	2,454	2,664
13	3000	0	0	0	0	0	0
14	2700	150	0	6	180	2,454	2,634
15	2600	50	0	1	60	409	469
16	2400	75	0	2	90	818	908
17	2301	88	0	1	106	409	515
18	2300	188	0	1	226	409	635
19	5100	100	0	3	120	1,227	1,347
20	4900	150	0	2	180	818	998
21	5200	100	0	4	120	1,636	1,756
22	4300	100	0	2	120	818	938
23	8300	50	0	2	60	818	878
24	8700	140	0	3	168	1,227	1,395
25	8500	0	0	0	0	0	0
26	8600	100	0	2	120	818	938
27	9800	100	0	1	120	409	529
28	9700	100	0	2	120	818	938
29	2400	0	0	0	0	0	0
30	8302	250	0	6	300	2,455	2,755
						,	,
		4,456 ft	6	122	\$5,353	\$56,460	\$61,813

Street Trees & Barkdust

\$62,222

Less one 2.5" Cal. tree \$ (409)

Assessment Formula

Costs on Frontage Basis (Barkdust)

\$5,353/4,456 ft

\$1.2013 /ft

Street Trees

3.5"Cal.

6 @ \$1092.52

\$6,555

2.5" Cal.

122 @ \$409.06 =

\$49,905

### 69th Avenue Reconstruction LID Undergrounding Power, Telephone and TV Improvements

Ident.	Tax Lot	A (Q <sup>2</sup> )	Area Costs	Total Assessable
No.	No.	Area (ft²)	Area Cosis	Costs
100	2000	97.500	\$21.424	
1&2	2900	87,522	\$21,434	\$21,434
3-6	3800	105,048	25,726	25,726
7	9100	56,868	13,927	13,927
8	9600	21,420	5,246	5,246
9	9108	17,998	4,408	4,408
10	2700	28,470	6,972	6,972
11	2800	16,425	4,022	4,022
12	2900	38,325	9,386	9,386
13	3000	10,950	2,681	2,681
14	2700	10,000	2,449	2,449
15	2600	5,000	1,224	1,224
16	2400	7,500	1,837	1,837
17	2301	8,800	2,155	2,155
18	2300	8,800	2,155	2,155
19	5100	9,964	2,440	2,440
20	4900	15,000	3,673	3,673
21	5200	10,000	2,449	2,449
22	4300	9,964	2,440	2,440
23	8300	0	0	0
24	8700	0	0	0
25	8500	0	0	0
26	8600	0	0	0
27	9800	0	0	0
28	9700	0	0	0
29	2400	43,000	10,530	10,530
30	8302	0	0	0
50				
		511,054 ft <sup>2</sup>	\$125,154	\$125,154

Undergrounding Power, Telephone, & TV

\$125,154

Assessment Formula 100% of costs on Area Basis

\$125,154/511,054 ft<sup>2</sup>

\$0.24489 /ft<sup>2</sup>

### 69th Avenue Reconstruction LID Ancillary Improvements

Ident. No.	Tax Lot No.	Area (ft²)	Total Assessable Costs
1&2	2900	87,522	37,266
3-6	3800	105,048	44,728
7	9100	56,868	24,214
8	9600	21,420	9,120
9	9108	17,998	7,663
10	2700	28,470	12,122
11	2800	16,425	6,994
12	2900	38,325	16,318
13	3000	10,950	4,662
14	2700	10,000	4,258
15	2600	5,000	2,129
16	2400	7,500	3,194
17	2301	8,800	3,747
18	2300	8,800	3,747
19	5100	4,982	2,121
20	4900	15,000	6,387
21	5200	10,000	4,258
22	4300	4,982	2,121
23	8300	5,000	2,129
24	8700	3,964	1,688
25	8500	1,400	596
26	8600	3,102	1,320
27	9800	17,964	7,649
28	9700	5,000	2,129
29	2400	43,000	18,309
30	8302	14,902	6,345
		552,422 ft <sup>2</sup>	235,214

#### Assessment Formula

100% of costs on Area Basis

Includes:

Right-of-Way Acquisition
Catch Basin @ Hampton
House removal on Beveland
Wheelchair Ramp @ Hampton
Street Lighting

 $235,214/552,422 = 0.42579 / ft^2$ 

#### Ancillary Improvements (Backup to Exhibit D-8)

~	
Conct	ruction
CHISH	
COLLEGE	COULT

W.A. Jones \$56,283.35 (Pay Estimate)

R.J. Rouse Electric

2/7/00 300.00 (Remove Light Pole)

4/25/00 5,180.00 (Extra Light)

KS LLC Landscaping 100.00

**Total Construction** 

\$61,863.35

#### R/W Acquisition

		**	100
Vath	000	Know	ton
Name		NIIOW	11()11

3/11/99	\$ 300.00
4/07/99	5,528.75
5/19/99	581.25
6/14/99	2,925.00
6/30/99	1,230.00
6/30/99	2,400.00
8/9/99	506.25
9/16/99	637.50
10/12/99	566.25
	\$ 14 675 00

Clancy Garner & Peirce

4/15/99 <u>\$ 405.00</u>

\$ 405.00

State of Oregon (Peirce taking)

6/23/99 \$225,000.00

\$277,500.00

Tax-Pierce Property \$ 1,057.79

\$ 1,057.79

The Business Journal \$85.00

\$ 85.00

Daily Journal of Commerce \$ 58.50

\$ 58.50

#### Ancillary Improvements Cont.

Preston Gates & Ellis

1,882.29

\$ 1,882.29

City Participation

Initial Participation

\$200,000.00

Additional Participation 3/12/02

60,657.00

Possible collection from Peirce

52,500.00

<u>(\$313,157.00)</u>

Total R/W Acquisition

\$140,991.46

<u>LA&E and Bond Interest Costs</u> (Construction) (41.135%)(\$61,863.55) = \$25,447.57

(Right-of-Way)

Amendment #1 Legals for R/W Acquisition 1,500.00 Amendment #2 Legals for R/W Acquisition 1,250.00

Amendment #3 Ease for PGE

725.00

House Removal Alts.

780.00

House Removal Alts.

675.00

Amendment #4 Extra Work PC: Possession Delay 1,572.22

\$ 6,502.22

\$234,804.60

\* 409.06

TOTAL: Ancillary Improvements

\$235,213.66

<sup>\*</sup> Plus cost of one 21/2" caliper tree removed to add light

# EXHIBIT D-9

#### 69th Avenue Reconstruction LID **Summary of Assessment Costs**

			D-1	D-2	D-3	D-4	D-5	D-6	D-7	D-8	والمنابع والمارية
Ident. No.	Tax Lot No.	Property Owner	Street & Water Quality	St.D. & Detention	Sanitary Sewer	Water	Sidewalk	Street Trees & Barkdust	Undergrounding power, Telephone & TV	Ancillary	Total Assessable Costs
1&2	2900	Tigard Corporate Center	\$75,859	\$57,378	\$31,991	\$14,709	\$32,758	\$17,440	\$21,434	\$37,266	\$288,835
3-6	3800	Tigard Corporate Center	85,716	71,189	38,096	14,709	33,943	11,476	25,726	44,728	325,583
7	9100	Tigard Corporate Center	51,562	37,282	21,314	9,738	25,246	6,303	13,927	24,214	189,586
8	9600	Stephen W. & Lynn L. Peirce	16,271	14,042	0	0	4,704	1,370	5,246	9,120	50,753
9	9108	R & D Property Development LLC	22,905	3,278	1,505	0	11,069	4,019	4,408	7,663	54,847
10	2700	John B. McCroskey	0	0	0	0	0	0	6,972	12,122	19,094
11	2800	Don R. & Cynthia Sue Morton	11,643	0	1,505	0	2,965	908	4,022	6,994	28,037
12	2900	Triangle Terrace LLC	24,062	0	1,505	4,971	6,918	2,664	9,386	16,318	65,824
13	3000	KF LLC	0	0	0	0	0	0	2,681	4,662	7,343
14	2700	Landmark Ford, Inc.	12,441	6,556	3,483	0	5,930		2,449	4,258	37,752
15	2600	Landmark Ford, Inc.	4,938	3,278	1,742	0	1,977	469	1,224	2,129	15,757
16	2400	Landmark Ford, Inc.	7,407	4,917	2,612	0	2,965	908	1,837	3,194	23,840
17	2301	Ella J. Opdal	8,691	5,769	4,570	0	3,479	515	2,155	3,747	28,926
18	2300	Cecil & Donna Rae Jones	12,009	5,039	4,570	0	7,432	635	2,155	3,747	35,587
19	5100	Landmark Ford, Inc.	7,494	3,266	3,471	0	3,953	1,347	2,440	2,121	24,092
20	4900	Fairmark Investments LLC	14,814	9,834	6,730	0	5,930	998	3,673	6,387	
21	5200	Landmark Ford, Inc.	9,876	6,556	3,483	0	3,953	1,756	2,449	4,258	
22	4300	Landmark Ford, Inc.	7,494	3,266	3,471	0	3,953	938	2,440	2,121	23,683
23	8300	J.T., Jr. & Theresa A. Roth	4,938	3,278	1,742	0	1,977		0	2,129	
24	8700	J.T., Jr. & Theresa A. Roth	9,063	2,599	1,381	0	5,534	1,395	0	1,688	
25	8500	J.T., Jr. & Theresa A. Roth	665	918	0	0	0	. 0	0	596	
26	8600	J.T., Jr. & Theresa A. Roth	6,601	2,033	0	0	3,953	938	0	1,320	
27	9800	J.T., Jr. & Theresa A. Roth	7,494	3,266	0	0	3,953		0	7,649	
28	9700	Mark R. Dana	7,502	3,278	0	0	3,953	938	0	2,129	
29	2400	George Fox University	0	0	0	0	0	0	10,530	18,309	
30	8302	Peter & Eloise Szambelan	18,027	8,958	6,696	0	9,883	2,755	0	6,345	52,664
			\$427,472	\$255,980	\$139,867	\$44,128	\$186,428	\$61,813	\$125,154	\$235,214	\$1,476,056

<sup>\*</sup> On 3/12/02 Council opted to participate in the amount of 50% of the total assessment for these two properties. Accordingly, the total amounts appearing on the assessment roll for these two properties will be:

Ella J. Opdal \$14,463 \$17,794

Cecil & Donna Rae Jones

### EXHIBIT E

#### Jones:

D-1 D-2 D-3 D-4 D-5 D-6 D-7 D-8	Street & Water Quality Improvements Storm Drain & Detention Improvements Sanitary Sewer Improvements Water Improvements Sidewalk Improvements Street Trees & Barkdust Underground Power, Telephone & TV Ancillary Improvements	\$ 301,190.58 181,096.50 99,101.45 31,266.30 132,091.92 44,087.20 86,354.90 _56,283.35
TOTA	L	\$931,472.20
Payme	ents to Jones:	
Pay Es	#2 #3 #4 #5 #6 #7 #8 #9	\$ 49,862.15 120,617.31 126,935.69 186,499.24 111,029.39 79,949.28 93,555.10 99,087.99 38,513.79 25,422.26
TOTA	L	\$ 931,472.20

### LA&E and Bond Interest and Costs Spread on Construction Cost Basis to Schedules 1-8

#### 1) Engineering

\$179,691.06

(6,502.22) (R/W Engineering) - Schedule 8

\$173,188.84 (Spread on Construction Cost Basis) - Schedules 1-8

#### 2) Advertising

#### 3) Projected Advertising Costs

#### 4) Plan Reproduction - Lazerquick

#### 5) Title Reports

\$2,970.00

#### 6) Bond Interest and Costs

Bond Counsel	\$ 4,020.78
BAN Sale Costs (fees)	1,867.50
BAN Sale Cost	1,715.00
BAN Issuance Costs	12,572.50
Financial Advisor	1,050.00
Interest Paid	186,152.17
Projected Interest	12,576.67
	\$209,954.62

$$940,604.15 = 0.41135$$

Construction Cos	<u>ts</u>	
Schedule	1	302,420.58
	2	181,096.50
	3	99,101.45
	4	31,266.30
	5	132,091.92
	6	44,087.20
	7	88,676.85
	8	61,863.35
Total		\$940,604.15

Total LA&E and Bond Interest Costs spread to Schedule 1-8 on a percentage of construction cost basis = \$386,912.92

LA&E R/W costs to Schedule 8 = \$6,502.22

Street & Water Quality Improvements (Backup for Exhibit D-1)

Construction

W.A. Jones

\$301,190.58 (Pay Estimate)

Baracade

130.00

Arborvitae

12/29/99 - Mark Dana

1,100.00 \$302,420.58

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$302,420.58) = \$125,050.91

TOTAL: Street & Water Quality Improvements \$427,471.49

#### Storm Drain & Detention Improvements (Backup for Exhibit D-2)

#### Construction

W.A. Jones

Contract \$179,119.25 (Pay Estimate)
Special Services for Specht (Change Order #1, Item #5) 1,977.25 (Pay Estimate)
Total Construction \$181,096.50

LA&E and Bond Interest Costs (41.135%)(\$181,096.50) = \$74,883.46

TOTAL: Storm Drain & Detention Improvements \$212,663.74

•	<u>Construction</u>	<u>LA&amp;E</u>	<u>Total</u>
General Construction	\$179,119.25	\$ 74,065.87	\$253,185.12
Specht Construction	<u>1,977.25</u>	817.59	2,794.84
	\$181,096.50	\$ 74,883.46	\$255,979.96

Sanitary Sewer Improvements (Backup for Exhibit D-3)

Construction

W.A. Jones Contract

\$99,101.45 (Pay Estimate)

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$99,101.45) = \$40,765.38

TOTAL: Sanitary Sewer Improvements

\$139,866.83

S.S. Services = 10 @ \$1,505.00 = \$15,050.00Other = 124,816.83

\$139,866.83

#### Water Improvements (Backup for Exhibit D-4)

#### Construction

W. A. Jones (Hydrants)

\$21,134.55

\* 6" Services to Specht

(Change Order #2, Item #1)

10,131.75

**Total Construction** 

\$31,266.30 (Pay Estimate)

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$31,266.30) = \$12,861.39

TOTAL: Water Improvements

\$44,127.69

#### \*Specht 3 ea. 6" Water Services

Change Order #2, Item #1	\$ 3,027.45
Trench Exc. & B.F. $3@36' = 108' @23.00$	2,516.40
12x6 Tapping Sleeves 3@ 875.01	2,571.00
6" Tapping Valve 3@ 348.30	1,044.90
6" D.I. Pipe 3@ 36' = 108' @ 9.00	972.00
	\$10,131,75

	<u>Construction</u>	LA&E	Total
General Construction	\$21,134.55	\$ 8,693.69	\$29,828.24
Specht Construction	10,131.75	4,167.70	_14,299.45
	\$31,266.30	\$12,861.39	\$44,127.69

Sidewalk Improvements (Backup to Exhibit D-5)

Construction

W.A. Jones Contract Total \$132,091.92 (Pay Estimate)

Total Construction \$132,091.92

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$132,091.92) = \$54,336.01

TOTAL: Sidewalk Improvements \$186,427.93

General Construction	<u>Construction</u> \$118,676.52	<u>LA&amp;E</u> \$48,817.59	<u>Total</u> \$167,494.11
Specht Construction Tree Grates (Change Order No. 5) Extra Sidewalk	7,981.80 5,433.60 \$132,091.92	3,283.31 <u>2,235.11</u> \$54,336.01	11,265.11 

Tree Grates 12ea. @ 665.15 = \$7,981.80 Extra Sidewalk 1,698ft² @ 3.20 = \$5,433.60 Street Trees & Barkdust Improvements (Backup for Exhibit D-6)

#### Construction

W.A. Jones

\$44,087.20 (Pay Estimate)

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$44,087.20) = \$18,135.27

Barkdust \$ 3,792.60 (1.41135) = \$ 5,352.69 3½" Cal. Trees 4,644.60 (1.41135) = 6,555.15 2½" Cal. Trees 35,650.00 (1.41135) = 50,314.63 \$62,222.47 \* (\_\_409.06)

TOTAL: Street Trees & Barkdust Improvements

\$61,813.41

<sup>\*</sup> Less cost of one 21/2" caliper tree removed to add light

Undergrounding Power, Telephone and TV Impovements (Backup for Exhibit D-7)

## Construction

W.A. Jones \$86,354.90 (Pay Estimate)

P.G.E. Reimbursement (1,726.04)
P.G.E. Energizing 3,357.00
Repair Landscape George Fox 691.00
Total Construction \$88,676.86

<u>LA&E and Bond Interest Costs</u> (41.135%)(\$88,676.86) = \$36,477.23

TOTAL: Undergrounding Power, Telephone and TV Improvements \$125,154.09

## Ancillary Improvements (Backup to Exhibit D-8)

## Construction

W.A. Jones \$56,283.35 (Pay Estimate)

R.J. Rouse Electric

2/7/00 300.00 (Remove Light Pole)

4/25/00 5,180.00 (Extra Light)

KS LLC Landscaping 100.00

**Total Construction** 

\$61,863.35

## R/W Acquisition

Kathleen	Knowlton
----------	----------

3/11/99	\$ 300.00
4/07/99	5,528.75
5/19/99	581.25
6/14/99	2,925.00
6/30/99	1,230.00
6/30/99	2,400.00
8/9/99	506.25
9/16/99	637.50
10/12/99	566.25
	\$ 14 6°

\$ 14,675.00

Clancy Garner & Peirce

4/15/99 <u>\$ 405.00</u>

\$ 405.00

State of Oregon (Peirce taking)

6/23/99 \$225,000.00 7/26/99 <u>52,500.00</u>

\$277,500.00

Tax-Pierce Property \$ 1,057.79

\$ 1,057.79

The Business Journal \$ 85.00

\$ 85.00

Daily Journal of Commerce \$ 58.50

\$ 58.50

Community News	\$ 45.60	<u>0</u> \$ 45.60
Pacific Coast Credit 1/26/00	\$ 6,833.34 \$	6,833.34
Teach Reporting 5/11/00  Moscato Ofner & Hennings 5/3/00	\$ 335.75 \$ en Inc. \$ 600.00 2,645.00	335.75
	\$	3,245.00
Paula monic Trosen 7/26/99 9/3/99	\$ 2,099.50 2,099.50 	4,199.00
SML Associates 9/1/99	\$ 500.00 \$	500.00
Clayton Environmental Con	sultants	
9/29/99 10/12/99	\$ 210.00 60.00 \$	270.00
Bonnie Owens		
9/29/99 6/30/99	\$ 6,510.00 <u>6,510.00</u> \$	13,020.00
Sherl J. Ireland 6/9/99	<u>\$ 20,000.00</u> \$	20,000.00
Hanna McEldowny & Association 1/15/99	\$ 750.00 \$	750.00

JF Young & Assoc.	\$ 5,177.82 \$	5,177.82	
Limelight Video	\$ 361.00 52.00 175.00	588.00	
Marijane Simon			
(Court Reporter)	\$ 580.60 \$	580.60	
Mark Dana			
8/3/99	\$ 432.00		
6/30/99	1,211.00		
	\$	1,643.00	
Landmark Ford			
8/3/99	\$ 864.00		
0,0,75	\$	864.00	
T (T) D at			
J.T. Roth	Φ 064.00	(20.51)	
8/3/99 9/17/99	\$ 864.00	(3964)(11) =	\$43,604.00
Sale 40' strip	77,828.64	Less Real Est. Fee	(3,000.00)
Sale 40 Strip	(40,604.00) \$ 3	38,088.64	\$40,604.00
	Ψ.	70,000.04	
Pacific Christians Counsel			
8/9/99	\$ 20,000.00		
	\$ 2	20,000.00	
Ramis Crew & Corrigan			
6/2/99	\$ 394.50		
6/30/99	274.50		
6/30/99	646.65		
6/30/99	1,884.00		
6/30/99	1,621.29		
9/4/99	930.50		
10/5/99	1,436.60		
10/6/99	432.00		
10/13/99	612.30		
10/14/99	859.50		

	•
11/18/99	777.10
12/16/99	216.00
12/23/99	117.20
1/5/00	243.00
1/18/00	256.39
1/26/00	166.50
2/16/00	72.70
3/2/00	487.50
3/9/00	227.00
4/6/00	72.00
4/13/00	570.10
4/25/00	63.00
5/11/00	120.00
6/2/00	993.00
6/13/00	234.10
3, 23, 33	355.50
	96.10
	40.50
	513.00
	5,782.50
	6,992.40
	465.93
	643.50
	243.90
	184.00
	113.80
	125.70
	183.00
	54.00
	177.50
	6.52
	85.50
	237.40
	70.00
	139.20
	169.00
	422.25
July-Oct, 30,01	1,535.50
Projected Ramis Atty.	<u>10,000.00</u>
	\$ 44,226.42

Preston Gates & Ellis

1,182.29

\$ 1,182.29

City Participation

<u>(\$200,000.00)</u>

(\$200,000.00)

Total R/W Acquisition

\$254,148.46

1,500.00

<u>LA&E and Bond Interest Costs</u> (Construction) (41.135%)(\$61,863.55) = \$25,447.57

(Right-of-Way)

Amendment #1 Legals for R/W Acquisition
Amendment #2 Legals for R/W Acquisition

Amendment #2 Legals for R/W Acquisition 1,250.00 Amendment #3 Ease for PGE 725.00

House Removal Alts. 780.00

House Removal Alts. 675.00

Amendment #4 Extra Work PC: Possession Delay 1,572.22

\$ 6,502.22

\$31,961.79

\$347,961.60 \* <u>409.06</u>

TOTAL: Ancillary Improvements

\$348,370.66

<sup>\*</sup> Plus cost of one 21/2" caliper tree removed to add light

Schedule 1	\$ 427,471.49
Schedule 2	255,979.96
Schedule 3	139,866.83
Schedule 4	44,127.69
Schedule 5	186,427.93
Schedule 6	61,813.41
Schedule 7	125,154.09
Schedule 8	348,370.66

\$1,589,211.90

## EXHIBIT F-1



## Brian Rager

## CITY OF TIGARD FACT SHEET

13125 SW Hall Boulevard Tigard, OR 97223

Contact: Agustin P. Duenas, P.E., (503) 639-4171

AGENDA:

October 13, 1998

TOPIC:

Preliminary Evaluation Report for Proposed 69th Avenue LID

## BACKGROUND:

Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to SW 69<sup>th</sup> Avenue, SW Dartmouth Street, SW Elmhurst Street, SW Franklin Street, and SW Beveland Street. The proposed improvements include upgrading the streets to full city street standards, including sewer, water, storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead utilities.

The proposed LID appears feasible. There are advantages and disadvantages in forming the LID, but the overall benefits to the City, to the petitioner, and to the Tigard Triangle are clear. The preliminary evaluation report evaluates the proposed LID and makes recommendations on actions City Council should take to ensure successful formation of the LID and timely construction of the improvements.

COST: No funds have been allocated for the formation of the LID. Funding will have to be provided to proceed to the next step in the LID formation process.

AGENDA ΠΈΜ#	
FOR AGENDA OF	October 13, 1998

## CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Preliminary Evaluation Report for Proposed 69th Avenue LID
PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Shall City Council proceed with the process to form a Local Improvement District for the improvements to 69 <sup>th</sup> Avenue.
STAFF RECOMMENDATION
Staff recommends that City Council direct staff to continue with the next step in the LID formation process in accordance with the recommendations of the preliminary evaluation report.
INFORMATION SUMMARY
Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to SW 69 <sup>th</sup> Avenue and a portion of SW Dartmouth Street. The submittal, including all

amendments, includes improvements to the following: • SW 69th Avenue between the south right-of-way line of SW Dartmouth Street and the south right-ofway line of the proposed extension of SW Beveland Street (i.e. the south property line of Tax Lots 9100,

8800 and 8600, 2S101AA). 69th - Wal (comm., ind.)

SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue

50' EW

SW Franklin Street between SW 68th Avenue and SW 69th Avenue

2-17' TW

SW Beveland Street between SW 69th Avenue and SW 70th Avenue

2 - 5.5' SW

SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (south side only) local (Residential)

The proposed improvements include upgrading the streets to full city street standards, including sewer, water, storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead utilities.

The proposed LID appears feasible. There are advantages and disadvantages in forming the LID, but the overall benefits to the City, to the petitioner, and to the Tigard Triangle are clear. The preliminary evaluation report evaluates the proposed LID and makes recommendations on actions City Council should take to ensure successful formation of the LID and timely construction of the improvements.

## OTHER ALTERNATIVES CONSIDERED

Deny the proposal submitted and do not proceed any further in the LID formation process.

Tigard Triangle st l'u reg's 60' R/W 36' pavedua: (For 69th, Elmhuns Franklin, Beveland, Dartmouth 70' R/W 44'CtoC

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The improvements proposed by this LID meets the Tigard Beyond Tomorrow goal of *Improve Traffic Safety*, strategy *Encourage through traffic on major collectors and arterials*. It upgrades and existing gravel street to provide safer, more efficient traffic movements.

## **FISCAL NOTES**

There are no funds currently allocated for the preliminary engineering report. Funding will have to be provided for the LID formation process to continue.

1:\Cirywide\sum\per69th.doc

## **Preliminary Evaluation Report**

## Petition for formation of a Local Improvement District for 69<sup>th</sup> Avenue in the City of Tigard

#### **BACKGROUND**

#### The Petition

Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to SW 69<sup>th</sup> Avenue and a portion of SW Dartmouth Street. Attached as Exhibit A are a copy each of the original LID petition and subsequent amendments to the original submittal. The submittal, including all amendments includes improvements to the following:

- SW 69<sup>th</sup> Avenue between the south right-of-way line of SW Dartmouth Street and the south right-of-way line of the proposed extension of SW Beveland Street (i.e. the south property line of Tax Lots 9100, 8800 and 8600, 2S101AA).
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68th Avenue and SW 69th Avenue
- SW Beveland Street between SW 69<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue
- SW Dartmouth Street between SW 69<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue (south side only)

The proposed improvements include upgrading the streets to full city street standards, including sewer, water, storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead utilities.

The area proposed for improvements comprises approximately twelve (12) acres including the street rights-of-way, is legally described in the petition's Exhibit A, described in narrative form on the petition's Exhibit B, and depicted on the map marked Exhibit C.

#### The LID Process

The LID process is outlined in Title 13, Chapter 13.04 of the Tigard Municipal Code. The initiation of this LID was through petition by a property owner with major land holdings within the proposed LID boundary. The remainder of the process is as follows, assuming positive recommendations to Council throughout the process:

- Preparation of the Preliminary Evaluation Report (This Report)
- Submittal to City Council for discussion and direction

Preliminary Evaluation Report Petition for LID Formation for 69th Avenue September 30, 1998 Page 1 of 8

- Council adopts a resolution directing staff to prepare a preliminary engineer's report
- Formation of the District by Ordinance
- Preparation of final plans and specifications
- Construction of the improvements
- Determination and levying of assessments

#### **Current Situation**

SW 69th Avenue, between SW Dartmouth Street and SW Beveland Street, is an existing two-lane gravel street approximately 22 feet in width with drainage provided by a series of open ditches throughout portions of the street. The street has been maintained by the City for a number of years and is usually dusty during the summer months and inundated with potholes during the rainy months. This street was under consideration for paying during the FY 1997-98 Capital Improvement Program. However, the buildup of gravel on that street over the years required engineering design to ensure that the vertical alignment was coordinated throughout the entire length of the street from Dartmouth Street south to Hampton Street. There are existing rights-of-way on 69th Avenue, Dartmouth Street, Elmhurst Street and Franklin Street. There is no existing right-of-way for Beveland Street between 69th Avenue and 70th Avenue. However, the Specht application proposes dedication of the right-of-way needed to provide that connection. Vacation of Franklin Street between 69th Avenue and 70th Avenue was approved with conditions in the City Council meeting of September 9, 1998. This street vacation was conditioned upon the development application proceeding forward with the dedication of right-of-way for the Beveland Street connection.

Specht Development, Inc. has under option a large portion of the properties within the proposed LID boundary. Another major property owner, Landmark Ford, has signed non-remonstrance agreements. Together, the properties under these two owners total approximately 70% of the properties under the proposed LID. There are two lots with residential structures within the proposed LID boundary. Attached as Exhibit B is a drawing showing the proposed LID boundary, the Specht properties, and the properties owned by Landmark Ford (Corliss properties).

There are existing improvements to 69<sup>th</sup> Avenue south of Beveland Street. There are pending improvements already required through the development review process, namely the Porter, Morton and McCrosky projects south of Beveland. There are currently two homes within the proposed LID boundary, and a residential structure being used as a plumbing/mechanical shop.

#### Status of Land Use Applications

Specht Development Inc., has had a pre-application conference, has submitted an
application requesting SDR for grading, and has submitted an application
requesting SDR for the buildings.

Preliminary Evaluation Report Petition for LID Formation for 69<sup>th</sup> Avenue September 30, 1998 Page 2 of 8

- Landmark Ford has signed non-remonstrance agreements for 69<sup>th</sup> Avenue. There are SDR conditions remaining that are yet to be fulfilled.
- Morton was approved for an SDR in 1995 with requirement for half-street improvements. A temporary use was approved for a trailer in 1997 because of the burnout of the existing office. Morton has not fulfilled the obligation for the street improvements.
- McCroskey SDR required half-street improvements and SDR is under construction.
- Porter SDR has been approved with half-street improvement requirements but permits have not been issued.
- Tim and Teresa Roth and Michael Zoucha own Tax Lot 2900, which is 0.88 acres. Indications are this property could develop in the near future.

## TIGARD TRIANGLE PLAN REQUIREMENTS

The Tigard Triangle Street Plan identifies 69<sup>th</sup> Avenue as a Local Service Street requiring a 60-foot right-of-way and paved surface 36 feet wide curb-to-curb. The Plan identifies Beveland Street as a local collector requiring a 60-foot right-of-way and 36 foot wide paved surface curb-to-curb. Elmhurst Street and Franklin Street are identified as Local Service Streets with 60-foot right-of-way requirements and 36-foot wide paved surface. Dartmouth Street is identified in the Plan as a Major Arterial requiring a 70-foot right-of-way with paved surface of 44 feet curb-to-curb.

The following is a summary of the existing rights-of-way on each street together with the requirements, which each street must meet upon development:

#### SW Beveland Street (local collector):

Existing ROW:

60 feet, west of 72nd and 50 feet between 72nd and

70th

Required ROW:

60 feet

Pavement requirement:

36 feet curb-to-curb

Sidewalks: Planter Strips: 6-foot

riamei surps.

6-foot

Street Trees:

Spreading type to 25-foot height, spaced 22 feet

o.c., between sidewalk and curb.

#### Franklin Street (local street):

Existing ROW:

60 feet, between 70th and 66th

Required ROW:

60 feet

Pavement requirement:

36 feet curb-to-curb

Preliminary Evaluation Report

Petition for LID Formation for 69th Avenue

September 30, 1998

Page 3 of 8

Sidewalks:

6-foot

Planter Strips:

6-foot

Street Trees:

Spreading type to 25-foot height, spaced 22 feet

o.c., between sidewalk and curb.

## Elmhurst Street (local street):

**Existing ROW:** 

60 feet, between 70th and 66th

Required ROW:

60 feet

Pavement requirement:

36 feet curb-to-curb

Sidewalks:

6-foot

Planter Strips:

6-foot

Street Trees:

Spreading type to 25-foot height, spaced 22 feet

o.c., between sidewalk and curb.

## Dartmouth Street (major arterial):

**Existing ROW:** 

Varies from 52.95 feet from centerline at NW

corner of LID boundary to 65.81 feet from centerline at NE corner of LID boundary.

Required ROW:

72 feet, east of SW 72nd Avenue

Pavement requirement:

44 feet curb-to-curb

Sidewalks:

6-foot

Planter Strips:

7-foot

Street Trees:

Broad-Spreading type, spaced 27 feet o.c., between

sidewalk and curb.

## 69th Avenue (local street):

Existing ROW:

60 feet

Required ROW:

60 feet

Pavement requirement:

36 feet curb-to-curb

Sidewalks:

6-foot

Planter Strips:

6-foot

Street Trees:

Spreading type to 25-foot height, spaced 22 feet

o.c., between sidewalk and curb.

The Tigard Triangle Street Plan requires that Beveland Street connect with 68th Avenue (see Exhibit C). No right-of-way currently exists for this connection between 69th Avenue and 68th Avenue

## POSSIBLE ASSESSMENT METHODS

There are several ways that benefit to the property owners can be determined and assessment proportional to the benefits received can be established. These methods include street frontage, total area owned, or a mixture of both. The actual method or

Preliminary Evaluation Report Petition for LID Formation for 69th Avenue September 30, 1998 Page 4 of 8

methods of assessment should be developed and recommended to City Council as part of the preliminary engineering report.

### ALTERNATIVES CONSIDERED

One alternative considered is to include improvements to 69<sup>th</sup> Avenue south of Beveland all the way to Hampton Street. This alternative does not appear necessary since nearly all of the properties south of Beveland are in various stages of development, and the construction of the improvements should occur in the near future.

Another alternative considered is to extend Beveland Street from 69<sup>th</sup> Avenue to 68<sup>th</sup> Avenue. This connection is required by the Tigard Triangle Street Plan. It would require acquisition of land and a building, which currently houses a commercial business. This acquisition could mean condemnation if the owners involved are not willing to sell.

## EVALUATION OF THE PROPOSED LID

## Advantages

The two major landowners in the proposed LID boundary together represent 70% of the benefited property between Dartmouth Street and Beveland Street. Although Landmark Ford is not included in the petition, the City has non-remonstrance agreements on record for this property owner. The TMC prohibits Council from proceeding with the formation of the district if the property owners owning two-thirds of the land area in the proposed LID remonstrate against the formation of the LID. In this case, successful formation of the LID is assured since landowners in only 30% of the land area can remonstrate against the LID formation. Exhibit B shows the properties involved and the proposed district boundaries.

The proposed LID boundary is compact and the improvements proposed appear relatively easy to construct. Terrain will not pose an obstacle in this area, and construction of the improvements should be rapid assuming favorable weather during the construction period. This proposed LID offers the City an opportunity to form an LID that can be rapidly and successfully completed and closed, in marked contrast to the Dartmouth Street LID.

The formation of this LID will allow the City to take advantage of non-remonstrance agreements already on record in this area. Although non-remonstrance agreements have been executed for various properties throughout the City, opportunities to take advantage of these agreements are few and far between.

The proposed improvements to 69<sup>th</sup> Avenue would eliminate a maintenance problem for the City. There have been numerous dust-related complaints during the summer. In addition, the street is inundated with potholes during the rainy winter months.

Preliminary Evaluation Report Petition for LID Formation for 69th Avenue September 30, 1998 Page 5 of 8

## Disadvantages

The Tigard Triangle Street Plan requires the connection of Beveland Street to 68<sup>th</sup> Avenue. If this connection is not included in this LID, the chances are that connection will not happen in the foreseeable future. To eventually make this connection, the City may have to assume most of, if not all, the costs for the land acquisition and construction of improvements. However, one risk in including this connection to the LID is the inevitable delays that occur in the acquisition of property and residential structure, especially one where an ongoing business currently exists. If the landowner is not willing to sell, condemnation proceedings may have to be initiated. In addition, if the extension of SW Beveland from 69<sup>th</sup> to 68<sup>th</sup> Avenue significantly increases the costs to the LID participants, or significantly increases the time frame in which the LID could be implemented, then the initiators of the LID may abandon their support for the LID and perhaps even their development proposal.

At the very least, the inclusion of the extension of Beveland Street to 68<sup>th</sup> Avenue should be explored during the preparation of the preliminary engineering report and a recommendation to Council submitted for consideration prior to the final decision on formation of the LID. However, Council should be aware that Specht Development is concerned that the inclusion of this connection could create a major obstacle to timely completion of the improvements and may withdraw their support for the LID if major delays or significantly higher costs result from its inclusion.

#### TIME FRAMES

Specht Development, the initiator of this LID proposal, plans to complete its development by late summer of 1999. Construction of the proposed improvements under the LID can realistically be completed by September 1999, assuming no major delays are encountered in the process. This time frame assumes timely initiation and completion of the engineering work, and construction commencement by May 1999. The schedule necessary to enable construction during late spring and summer 1999 would require completion of the construction drawings by early March 1999. Advertisement for bids would be during March and early April 1999 with bid opening set for mid-April 1999. Initiation of construction in mid May 1999 would ensure at least four full months of construction during the summer months.

#### FEE SCHEDULE

TMC 13.09 states that Council may establish a fee schedule for LIDs initiated by property owners. A very preliminary estimate of total construction cost for the proposed improvements is \$760,000. This does not include extension of Beveland Street to 68<sup>th</sup> Avenue. The engineering costs should be approximately 15% of this, or \$114,000. The preliminary engineering report needs to include preparation of construction plans and specifications sufficient to provide a detailed cost estimate. Assuming the preliminary engineering report needs to provide plans and specifications up to at least 60% stage, the

Preliminary Evaluation Report Petition for LID Formation for 69th Avenue September 30, 1998 Page 6 of 8 cost for the preliminary engineering should be established at 80% of \$114,000 or approximately \$91,000.

Since there are distinct benefits to the City resulting from the proposed improvements, and the formation and construction of the proposed improvements appear to be extremely feasible, the City could opt to assume most, if not all, of the financial risk. The choices are to charge the applicant the \$91,000, to have the City foot all of the expenses, or to charge the applicant a portion of the costs with the City assuming the balance necessary to produce the preliminary engineering report.

#### WHAT'S NEXT

After considering the preliminary evaluation report, Council may direct staff to terminate work on the proposed district or to adopt a resolution directing staff to prepare a preliminary engineer's report. The resolution to be prepared by staff for Council adoption will include any specific instructions resulting from Council's discussion and decisions after reviewing this preliminary evaluation report. The resolution will be prepared and submitted to Council at the next available business meeting.

The preliminary engineering report should include the scope of work, location of the proposed improvements, proposed district boundaries, estimated costs, and other information that may be relevant to the feasibility of the improvements and district. The report should recommend approval, approval with conditions, or denial. This report should be completed together with 60% plans, specifications and estimates no later than January 1999.

If Council directs staff to proceed with preparation of the preliminary engineer's report, Council may adopt a fee schedule to cover all or a portion of the work required. This fee must be paid by the applicant submitting the petition prior to commencement of any work in the preparation of the preliminary engineer's report. The costs to prepare the preliminary engineering report can be rolled into the overall LID costs.

If, based on the preliminary engineer's report, Council decides to proceed with the formation of the LID, Council needs to declare its intention to form the district and proceed with the district formation and construction of improvements in accordance with Chapter 13.04 of the TMC.

## RECOMMENDATIONS

The proposed LID certainly appears feasible. However, certain key improvements outside the proposed LID boundary should be strongly considered for incorporation into the LID The recommendations are as follows:

• That Council direct staff to proceed with the preparation and submittal of the resolution authorizing preparation of the preliminary engineering report, together with any special instructions that should be included in the resolution

Preliminary Evaluation Report Petition for LID Formation for 69<sup>th</sup> Avenue September 30, 1998 Page 7 of 8

- That Council establish a fee schedule which must be paid by the applicant prior to commencement of the report preparation
- That Council direct staff (as one of the special instructions for the resolution) to ensure that the preliminary engineering report seriously explores the possibility of extending the LID boundary to encompass the extension of Beveland Street to 68th Avenue, and that the report submits a recommendation on the feasibility of incorporating that extension into the LID
- That Council require that the report be submitted no later than February 1999 together with estimates and 60% plans and specifications

#### Attachments:

Exhibit A - Petition by Specht Development

Petition by Spech.
Proposed Local Improvem.
Tigard Triangle Street Plan

Petition submitted

Prel Evaluation Report

NO

(Terminate Work)

(Prepare & Submit to Caincil Resolution)

Adopt Resolution

(Auknorize staff to prepare Ard. Eng Keport)

Prel. Eng. Report (Jan 1994) Exhibit B - Proposed Local Improvement District for Improvements to 69th Avenue

Exhibit C - Tigard Triangle Street Plan



SPECIA PROPERIAS SPECIA DEVITORMENT

CITY OF TIGARD 100 S W. Millikan W. is Serverion OR 97006

June 12, 1998

Mr. Gus Duenas City Engineer City of Tigard 13125 SW Hall Blvd. Tigard, OR 97223

Via: Facsimile 684-7297

RE: Petition for LID

Dear Gus:

Specht Development, Inc. wishes to include SW Elmhurst Street (full street and associated utilities between SW 69th and 70th Avenue) in the LID petition previously provided to you. Mr. Brian Rager indicated that this letter would serve as adequate notice for the inclusion of Elmhurst in the LID. Please notify me if this is incorrect. We look forward to working with you in the successful completion of the LID formation.

On another subject, would you please be so kind as to inform me as to what point in the LID formation process you will allow permits to be issued for our development. To date we have not received a definitive answer.

Thank you for your assistance. Please contact me if you have any questions.

Best Regards,

SPECHT DEVELOPMENT, INC.

Todd R. Sheaffer Vice President

Encl.

Ed Murphy (fax: 968-1674)

Mike Robinson, Stoel Rives (fax: 220-2480)

Greg Specht

lodel R. Sheaffer

Exhibit A

SPECHT PROPERTIES SPECHT DEVELOPMENT

13400 × 11 Ahllikan Way • Beaverton, OR 97006 503/646 2202 Fax 503/626-8903

June 5, 1998

Mr. Gus Duenas City Engineer City of Tigard 13125 SW Hall Blvd. Tigard, OR 97223

Via: U.S. Mail

RE: Petition for LID

Dear Gus:

Enclosed please find our application for the formation of an LID. Please note that the application has been amended from the copy that was previously faxed to you, as we are now asking for inclusion of Dartmouth improvements in the LID.

Please contact me if you have any questions.

Best Regards,

SPECHT DEVELOPMENT, INC.

Todal R. Sheeffor

Todd R. Sheaffer Vice President

Encl

c: Ed Murphy (fax: 968-1674)

## PETITION FOR AND CONSENT TO CREATE A LOCAL IMPROVEMENT DISTRICT

## THE HONORABLE MAYOR AND CITY COUNCIL

City of Tigard County of Washington State of Oregon

In the matter of the improvement of lands described as:

Street and utility improvements to SW 69th Avenue, SW Elmhurst Street, SW Franklin Street, SW Beveland Street, and SW Dartmouth Street, all within the "Tigard Triangle" between SW Dartmouth Street and SW Beveland Street, and between SW 68th Avenue and SW 70th Avenue.

We, the undersigned petitioners, hereby request that the City of Tigard conduct a preliminary engineering study for the area described below to determine feasibility and estimated costs of making improvements to these streets through the creation of an assessment district. The local improvement district would be for the express purpose of:

Improving the following streets to full city street standards, including sewer, water and storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead electrical, cable or telephone wiring:

- SW 69th Street between the south right-of-way line of SW Dartmouth Street and the south right-of-way line of the proposed extension of SW Beveland Street (i.e. the south property line of Tax Lots 9100, 8800 and 8600, 2S101AA);
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue;
- SW Franklin Street between SW 68th Avenue and SW 69th Avenue;
- SW Beveland Street between SW 69th Avenue and SW 70th Avenue;
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue.

The area proposed hereby to be improved by creation of an assessment district comprises approximately twelve (12) acres counting the right-of-ways, and is legally described in the attached sheet marked Exhibit 'A', described in narrative form on Exhibit 'B', and illustrated on the map marked Exhibit 'C', all of which by reference herein are made a part hereof.

We hereby declare that we the undersigned petitioners:

- (1) are in fact the owner(s) or the contract purchaser(s) of the indicated property(s);
- (2) represent at least fifty percent of the property benefited by the proposed local improvement district:
- understand that the cost of these improvements would be borne by the benefited properties if a local improvement district were formed;
- (4) state that by signing this petition we are only acknowledging an interest in having a preliminary engineering report completed, and are not committed to supporting any local improvement district that be proposed as a result of the City's analysis and report;

WHEREFORE, petitioners request that said preliminary engineering study be accomplished, and a report be delivered to the City Council regarding the feasibility of creating an assessment district, and that the City Council of the City of Tigard, Oregon, expedite the study as much as possible.

SIGNATURE (Contract Purchaser)	ADDRESS	WCTM 2S101AA Tax Lots
lad R. druffer	Speckt Development, Inc. 15402	
Told h. Sheaffer		
Todd b. Sheeffer		3800
Total & Sheeffer	• •	4000
Touch Sheeffer	•	4200 9100

## PROPERTIES INCLUDED WITHIN THE PROPOSED LOCAL IMPROVEMENT DISTRICT

## All on Map 2S101AA, the following Tax Lots:

2900	Specht	2700	Corliss*
2800	Specht	2600	Corliss*
3800	Specht	2400	Corliss
3901	Specht	2301	Snyder/Miller
4000	Specht	2300	Jones
4200 Specht	. 5100	Corliss*	
9100	Specht	4900	Roth
		5200	(lots 15 - 18) Corliss*
		4300	lots 19 - 22) Corliss*
		8300	Roth
		8700	Roth
		8800 1	Roth

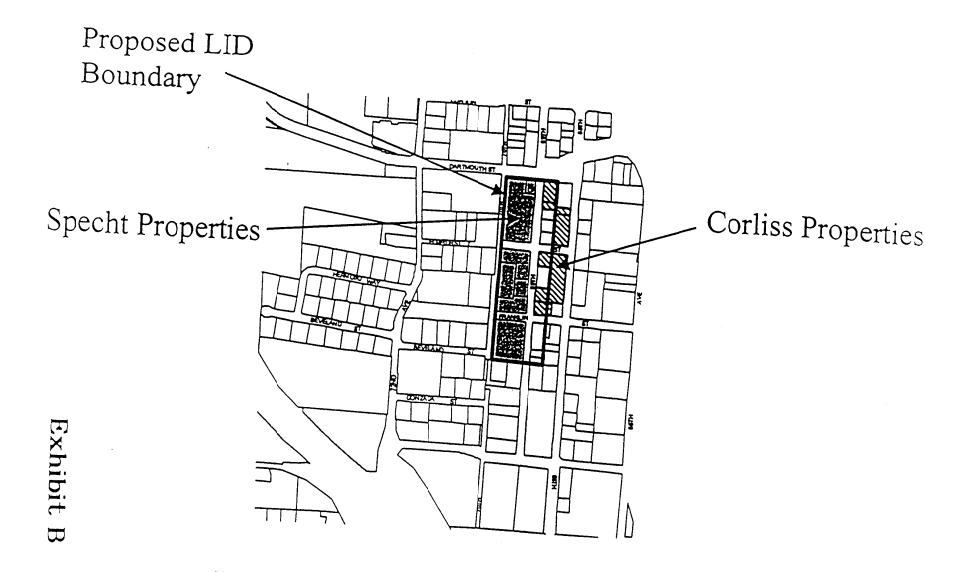
<sup>\*</sup> filed non-remonstrance agreement on this property

edmurphy/specht/lidpenno a/9d.4e/6/03/98

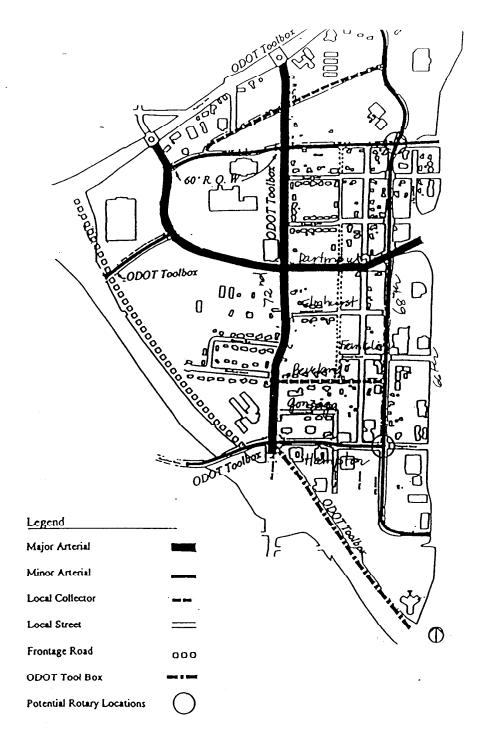
## NARRATIVE DESCRIPTION OF PROJECT

The project would improve the public streets and public utilities to full city standard. Specifically, the project would improve:

- SW 69th Avenue between SW Dartmouth Street and SW Beveland Street, or
  essentially to the north property line of tax lots 2900, 2800 and 2700, 2S101AA, and
  the south property line of tax lots 9100 and 8800, 2S101AA. Improvements include
  full street section, curb and gutter, storm drainage, sidewalks, landscaping, signing,
  striping, street lighting, water lines, sewer lines and other utility lines.
- SW Beveland Street from its current eastern terminus at SW 70th Avenue to SW 69th Avenue. Improvements include full street section, curb and gutter, storm drainage, sidewalks, landscaping, signing, striping, street lighting, water lines, sewer lines and other utility lines. Right-of-way for SW Beveland Street will be dedicated to the public by the owner.
- SW Franklin Street from SW 69th Avenue to SW 68th Avenue. Improvements to this section of street include only the sidewalk, curb and pavement along the south right-of-way line from SW 69th Avenue east a distance of approximately 100 feet, adjacent to tax lot 8300.
- SW Elmhurst Street from its current eastern terminus at SW 70th Avenue to SW 69th Avenue. Improvements include full street section, curb and gutter, storm drainage, sidewalks, landscaping, signing, striping, street lighting, water lines, sewer lines and other utility lines.
- SW Elmhurst Street between SW 69th and SW 68th Avenues. Improvements to this
  section of street include only the sidewalk, curb and pavement along the north rightof-way line of SW Elmhurst Street from SW 69th Avenue east a distance of
  approximately 100 feet, adjacent to tax lot 2300.
- SW Dartmouth Street from SW 70th Avenue to SW 69th Avenue. Improvements to this section of street include sidewalks, bicycle lanes and landscaping within the planter strip along the south side of SW Dartmouth Street, adjacent to Tax Lots 2900, 2800 and 2700.



Proposed Local Improvement District for Improvements to SW 69th Avenue



## Tigard Triangle Street Plan City of Tigard

Spencer & Kupper \* Lloyd D. Lindley, ASLA \* Cogan Owens Cogan

March 4, 1997

Exhibit C

# EXHIBIT F-2

## CITY OF TIGARD, OREGON

## RESOLUTION NO. 98-52

A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEERING REPORT FOR THE PROPOSED 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT.

WHEREAS, Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to the following streets within the City of Tigard:

- SW 69<sup>th</sup> Avenue between the south right-of-way line of SW Dartmouth Street and the south right-of-way line of the proposed extension of SW Beveland Street (i.e. the south property line of Tax Lots 9100, 8800 and 8600, 2S101AA)
- SW Elmhurst Street between SW 68<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue
- SW Franklin Street between SW 68<sup>th</sup> Avenue and SW 69<sup>th</sup> Avenue
- SW Beveland Street between SW 69<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue
- SW Dartmouth Street between SW 69<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue (South side only); and

WHEREAS, the proposed improvements include upgrading the streets to full city street standards, including sewer, water, storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead utilities; and

WHEREAS, the Engineering staff prepared a preliminary evaluation report which was submitted to City Council for discussion and direction during the meeting of October 13, 1998; and

WHEREAS, the preliminary evaluation report determined that the proposed LID appears feasible and recommended that City Council take the next step in the LID formation process by authorizing the preparation of a preliminary engineering report; and

WHEREAS, the City Council discussed the proposed LID, heard the pros and cons about the proposed LID, and provided an opportunity for input by the initiators of the LID and other property owners; and

WHEREAS, the City Council has indicated that the LID boundary and improvements included in the LID proposal are satisfactory as submitted, and

WHEREAS, the City Council has determined that the extension of Beveland Street from 69<sup>th</sup> Avenue to 68<sup>th</sup> Avenue should not be included in the LID because of potential complications that the extension might cause; and

WHEREAS, the City Council has stated that the City of Tigard would provide the funding for the preparation of the preliminary engineering report; and

WHEREAS, Specht Development, Inc. has agreed to reimburse the City for expenses incurred should Specht Development withdraw their support for the LID sometime during the formation process; and

WHEREAS, the City Council has directed staff to immediately proceed with the preparation of the preliminary engineering report and to prepare this resolution for adoption at the next Council business meeting.

## NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

**SECTION 1:** The Engineering staff is directed to proceed with preparation of the preliminary

engineering report for the proposed LID in accordance with the proposed LID boundary and improvements as described in the LID petition and preliminary evaluation report.

The preliminary engineering report should include the scope of work, location of the SECTION 2:

proposed improvements, proposed district boundaries, estimated costs, proposed assessment methods, and other information that may be relevant to the feasibility of the improvements and district. The report should recommend approval, approval with conditions, or denial. This report should be completed together with 60% plans,

specifications and estimates for presentation to City Council in February 1999.

**SECTION 3:** The City of Tigard shall provide the funding for preparation of the preliminary

engineering report. All expenses towards preparation of the report and the preparation of

the construction plans and specifications shall be rolled into the overall LID costs.

**SECTION 4**: Should Specht Development, Inc. withdraw its support for the LID prior to the

formation of the LID, all expenses incurred shall be billed to Specht Development, Inc.

Should the LID formation proceed as anticipated, the schedule to be established should **SECTION 5**:

seek to initiate construction of the improvements in late spring 1999 with completion of

construction by September or October 1999.

This 27th day of October 1998. PASSED:

ATTEST:

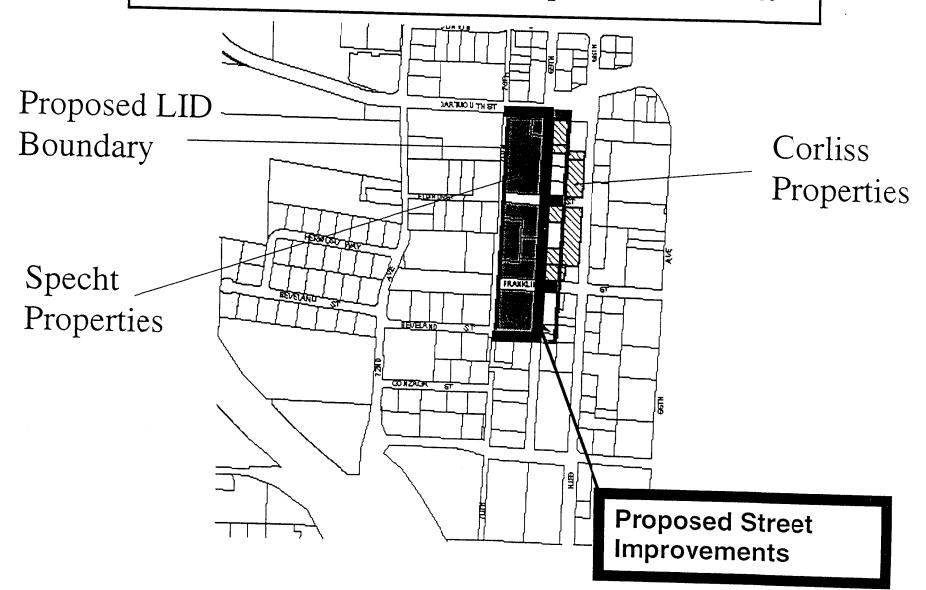
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RESOLUTION NO. 98-

Page 2

# Proposed 69th Avenue Local Improvement District



# EXHIBIT F-3

## PRELIMINARY ENGINEER'S REPORT

#### 69TH AVENUE CONSTRUCTION LID

## Scope of work

Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to the following streets within the City of Tigard:

- SW 69th Avenue between the South right-of-way line of SW Dartmouth Street and the South right-of-way line of the proposed extension of SW Beveland Street (i.e. the South property line of Tax Lots 9100, 8800 and 9600, 2S101AA)
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68th Avenue and SW 69th Avenue
- SW Beveland Street between SW 69th Avenue and SW 70th Avenue
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (South side only)

By Resolution No. 98 - 52, passed October 27, 1998, the Tigard City Council resolved as follows: That

- SECTION 1: The Engineering staff is directed to proceed with preparation of the preliminary engineering report for the proposed LID in accordance with the proposed LID boundary and improvements as described in the LID petition and preliminary evaluation report.
- SECTION 2: The preliminary engineering report should include the scope of work, location of the proposed improvements, proposed district boundaries, estimated costs, proposed assessment methods, and other information that may be relevant to the feasibility of the improvements and district. The report should recommend approval, approval with conditions, or denial. This report should be completed together with 60% plans, specifications and estimates for presentation to City Council in February 1999.
- SECTION 3: The City of Tigard shall provide the funding for preparation of the preliminary engineering report. All expenses towards preparation of the report and the preparation of the construction plans and specification shall be rolled into the overall LID costs.
- SECTION 4: Should Specht Development, Inc. withdraw its support for the LID prior to the formation of the LID, all expenses incurred shall be billed to Specht Development, Inc.
- SECTION 5: Should the LID formation proceed as anticipated, the schedule to be established should seek to initiate construction of the improvements in late spring 1999 with completion of construction by September or October 1999.

The city has subsequently retained DeHaas & Associates, Inc. to provide engineering services and this preliminary Engineer's Report.

At the meeting of December 8, 1998, the City Council expressed the desire to include the extension of Beveland Street from 69th Avenue to 68th Avenue if at all possible, and directed staff to explore the feasibility of acquiring the house to allow the extension of Beveland Street.

The subsequent review of the proposed taking indicated that the structure could be acquired and the Beveland extension constructed without adversely impacting the construction schedule for completion of 69th Avenue and the other streets in the proposed LID boundary.

This Preliminary Engineering Report therefore includes the extension of Beveland Street from 69th Avenue to 68th Avenue as part of the proposed LID boundary.

## **Findings**

The engineering review and analysis of the proposed LID area indicates that the LID boundary should be extended south to Hampton Street, and east to include the extension of Beveland Street from 69th Avenue to 68th Avenue. The extension to Hampton Street ensures that 69th Avenue between Hampton Street and Dartmouth Street is fully improved to current standards, to include undergrounding of overhead utilities. The extension of Beveland Street from 69th Avenue to 68th Avenue complies with the requirement of the Tigard Triangle Street Plan to provide a direct connection from 68th Avenue to 72nd Avenue along Beveland Street. The engineering analysis finds that the LID as proposed in this report is feasible, and that the improvements can be completed by fall of 1999.

#### Recommendation

City Council could approve the report, or approve the report with revisions. The recommendation of this report is that City Council approve the report in its entirety and declare its intention to form the LID and construct the improvements. Time is of the essence. Approval of the report and passage of the Resolution of Intent would ensure that the process proceeds expeditiously to allow completion of the improvements by fall of 1999.

The specific details of the proposed LID are as follows:

#### Location of Proposed Improvements

The general location of improvements is shown on Exhibit A. Final extent and location of improvements will depend upon final design deliberations.

## Proposed LID Boundary

The proposed district (LID) boundary is shown on Exhibit B.

## Proposed Assessment Methods

This is a comprehensive LID, inasmuch as a series of different improvement elements are proposed, each of which benefit a different set of properties. Assessment methods should recognize improvements already completed. Accordingly, it is proposed that each set of improvements be assessed by a method which recognizes its appropriate area of benefit and fairly distributes the costs. Improvement elements have been separated as follow:

## 1. Street Improvements

50% of costs on a Frontage Basis

50% of costs on an Area Basis

This method mitigates unfairness related to properties of variable shape and size and reduces the heavy impact on corner parcels that would occur if a 100% Frontage Basis were used.

## 2. Storm Drainage Improvements

100% of costs on an Area Basis

## 3. Sanitary Sewer Improvements

Service extension costs on a Per Each Basis Remaining costs on an Area Basis

### 4. Water Improvements

Service extensions and new hydrant costs on a Per Each Basis

## 5. Sidewalk Improvements

100% of costs on a Frontage Basis

#### 6. Street Trees and Barkdust

100% of costs on a Frontage Basis

## 7. Undergrounding Power, Telephone and TV

100% of costs on an Area Basis

## 8. Ancillary Improvements

100% of the following costs on an Area Basis

- a. Right-of-way acquisition, including right-of-way and demolition costs related to the taking of right-of-way for Beveland between 69th and 68th.
- b. Add catch basin and lateral at NW corner of 69th and Hampton.
- c. Reconstruct wheelchair ramp at NW corner of 69th and Hampton, if deemed necessary.
- d. Street Lighting

Maps illustrating the respective elements, areas of benefit and assessment factors are identified as Exhibits C-1 through C-8 respectively.

## Estimated Costs

Estimated total cost for each improvement element along with the assessment to each property owner is shown on Exhibits D-1 through D-8 respectively. A composite tabulation showing total estimated assessments to each property is shown on Exhibit E.

#### Construction Schedule

It is anticipated construction for the basic portion of the project will commence in late spring of 1999 with substantial construction complete by October of 1999. Completion of the portion of Beveland between 69th and 68th will depend on the process required for right-of-way taking, whether by expedient negotiation or by condemnation. Construction contract document provisions will be written to anticipate construction of the subject section late in the project to allow time for completion of the taking. If delay is extensive, it may be appropriate to construct the subject section by a separate construction contract.

## Property Entry for Surveying or other Engineering Purposes

The Engineer should be authorized to enter all properties in the district for surveying and engineering purposes, and such additional properties as may be necessary to analyze drainage features and develop the drainage report.

## Project Support and Informal Information Meetings

Marlin J. DeHaas, P.E., P.L.S

Initiation of the project was by Specht Development, Inc., representing 40.83% of the benefitted property within the district as proposed in this report. The City has non-remonstrance agreements from an additional 9.05% of the benefitted properties. This would indicate that total remonstrances counted at the public hearing on formation of the district, should not exceed 50.02%, unless the City Council revises the boundaries of the district.

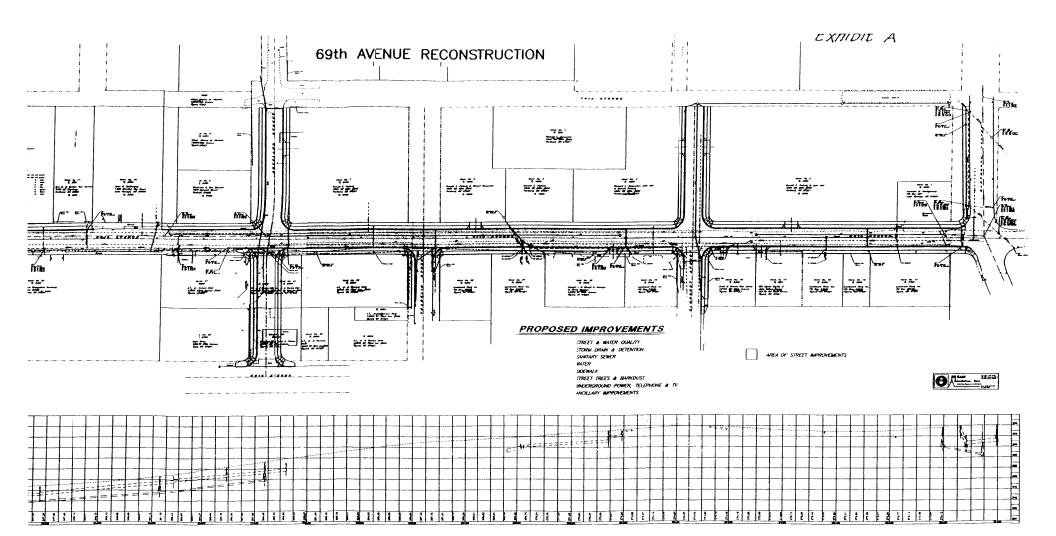
An informal public meeting was held January 14, 1999 in the TVWD auditorium to which all owners in the district were invited. Exhibits similar to those attached to this report were presented along with explanations of how the LID process works and proposed time schedules. Other miscellaneous questions were answered.

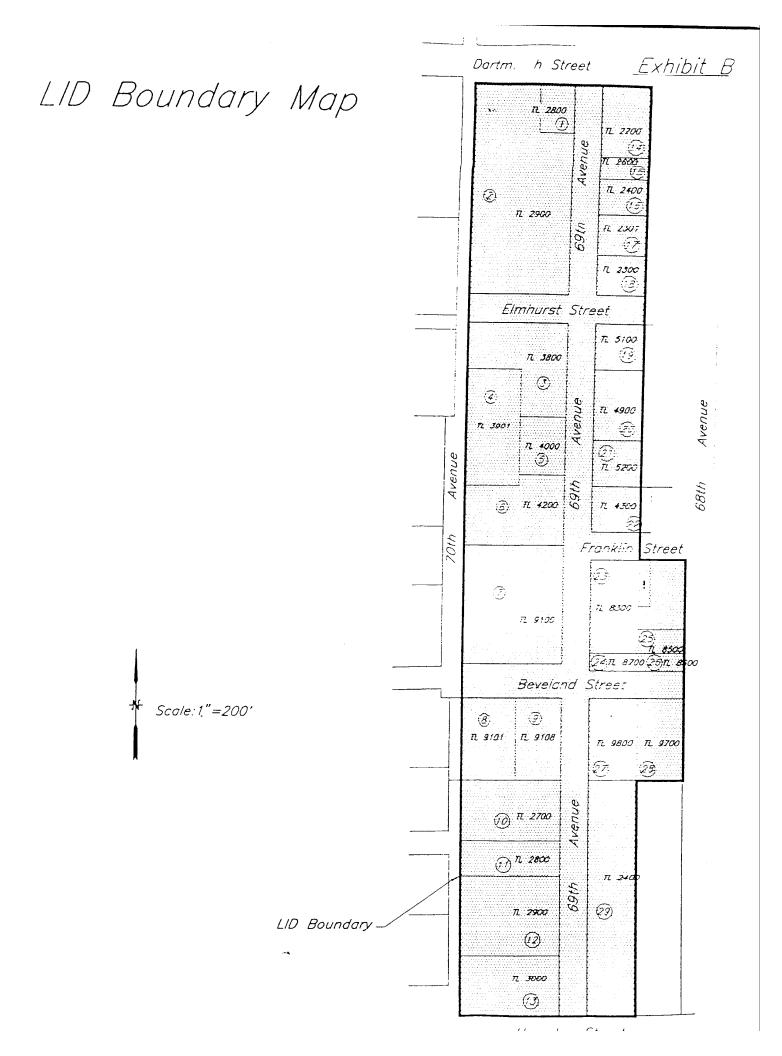
The exhibits, cost estimates and assessments, etc., prepared for this report represent adjustments from those presented at the January 14, 1999 meeting, based on continuing input and information provided, along with our refinement of the proposed preliminary design.

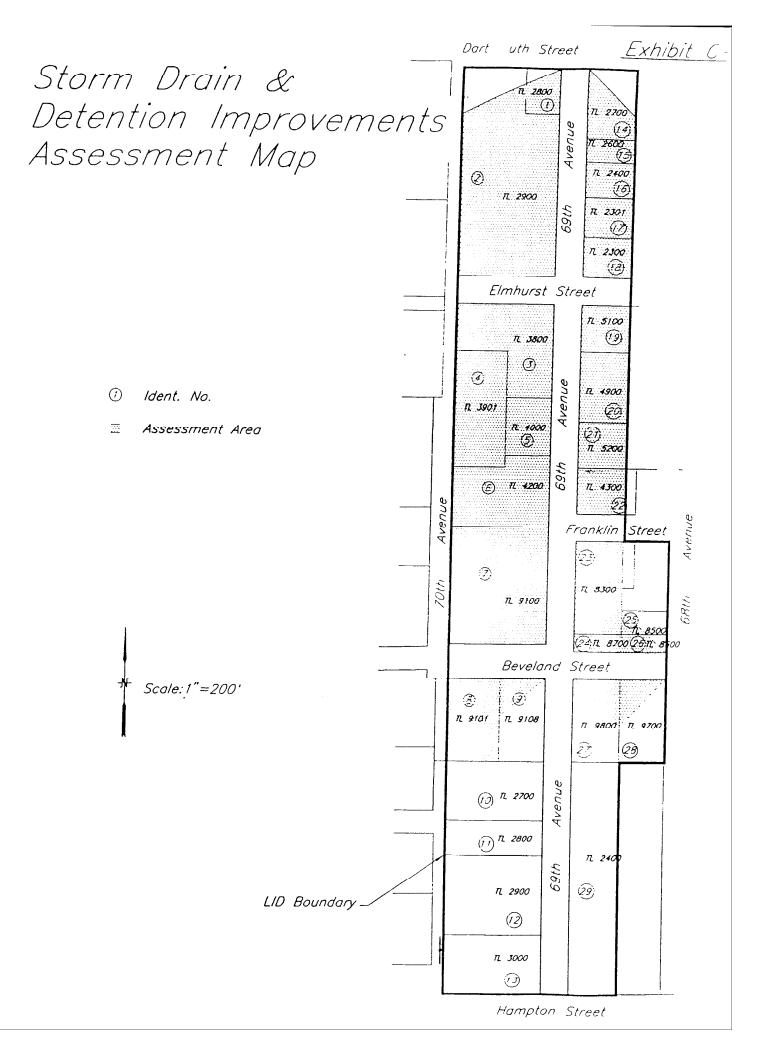
Another informal public meeting is planned for a few days before the public hearing on formation of the district in order to answer detailed questions, present the refined plans and cost estimates and resolve any misunderstandings. This informal meeting should insure that the owners will be well-informed and will not have to face the difficult task of digging out detailed information in the formal public hearing setting. Notice of the informal meeting may accompany the notice of the formal public hearing.

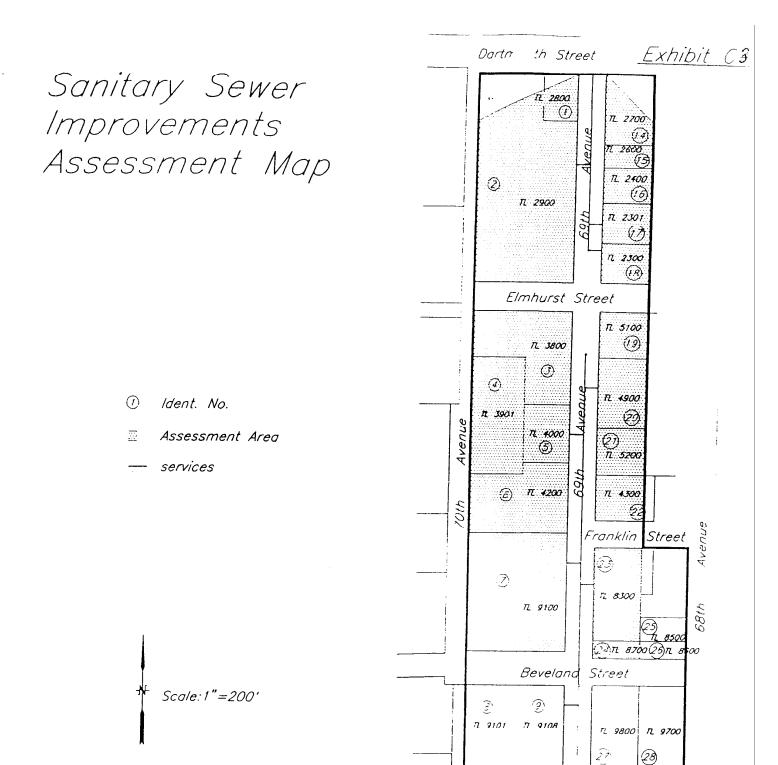
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Attachments	
Exhibit A	Proposed Improvements Map
Exhibit B	Proposed LID Boundary
Exhibit C-1	•
through C-8	Areas of Benefit and Assessment Factors
C-1	Street and Water Quality Improvements
C-2	Storm Drain and Detention Improvements
C-3	Sanitary Sewer Improvements
C-4	Water Improvements
C-5	Sidewalk Improvements
C-6	Street Trees and Barkdust Improvements
C-7	Undergrounding Power, Telephone and TV
C-8	Ancillary Improvements
Exhibit D-1	
through D-8	Individual Assessment for Each Construction Element
D-1	Street and Water Quality Improvements
D-2	Storm Drain and Detention Improvements
D-3	Sanitary Sewer Improvements
D-4	Water Improvements
D-5	Sidewalk Improvements
D-6	Street Trees and Barkdust Improvements
D-7	Undergrounding Power, Telephone and TV
D-8	Ancillary Improvements
Exhibit E	Composite Tabulation of Individual Assessment Costs









LID Boundary.

10 n 2700

(1) n 2800

П 2900

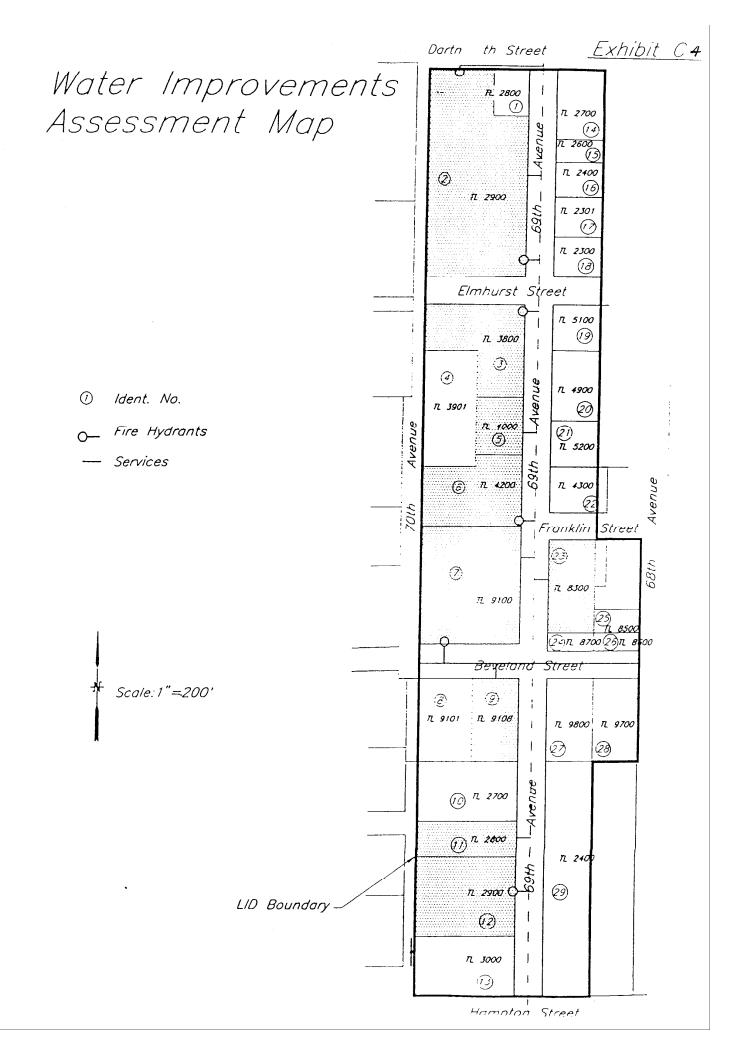
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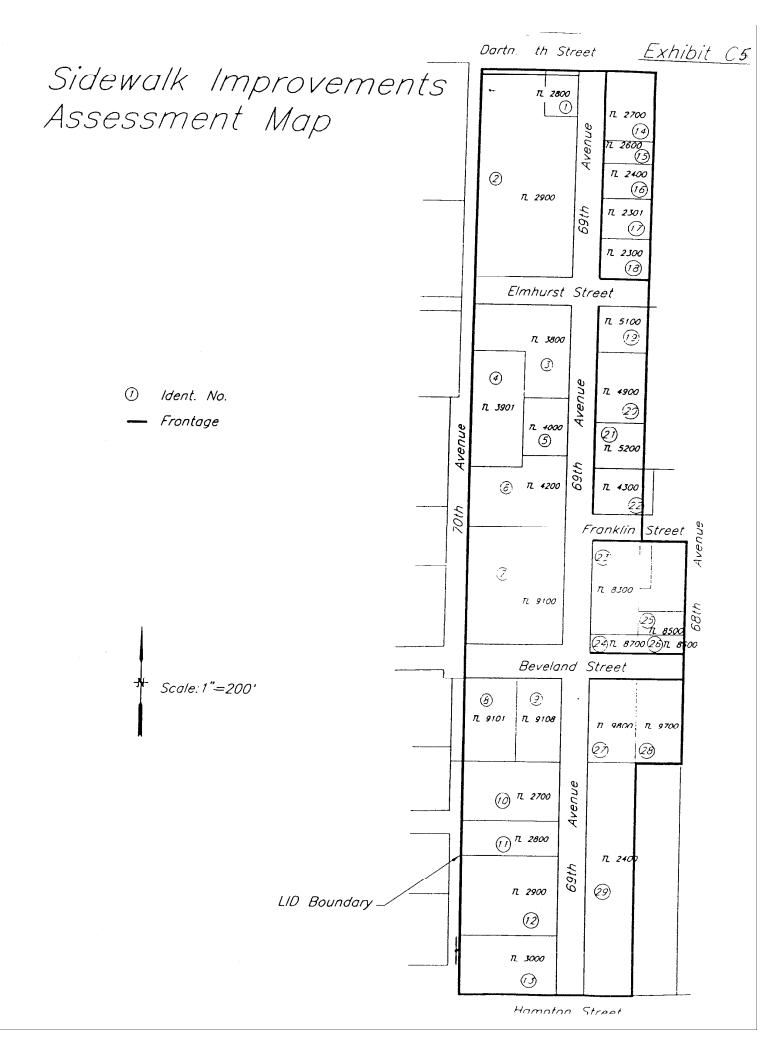
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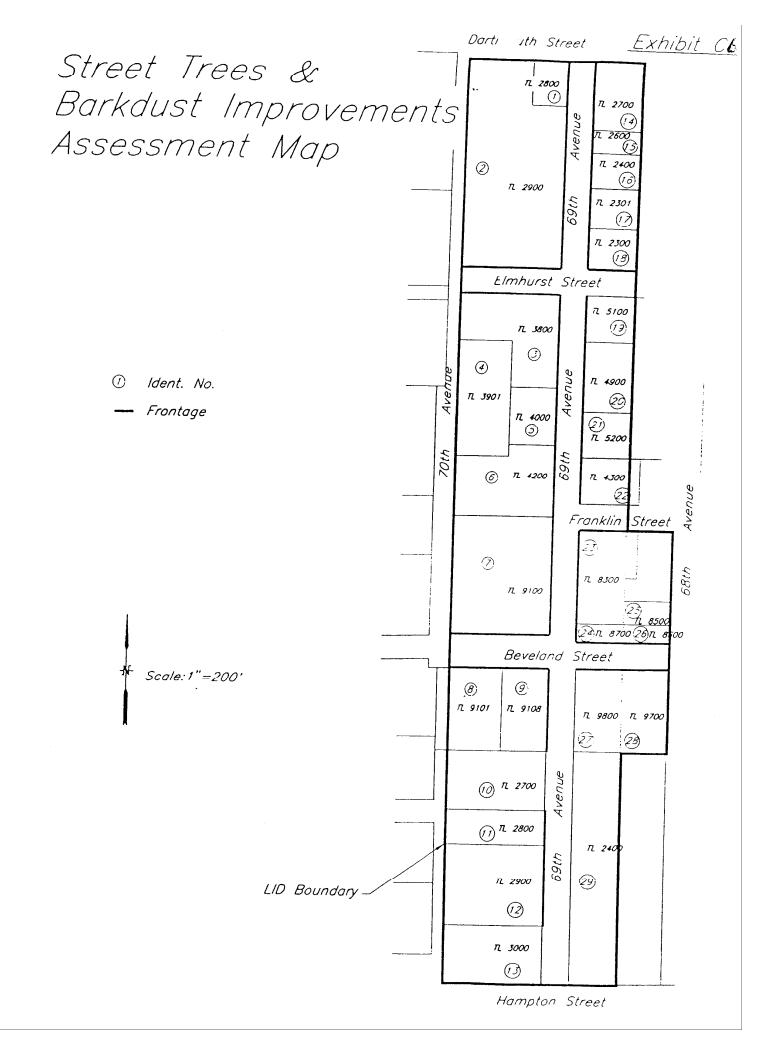
Hampton Street

TL 240

29)







## 69th Avenue Reconstruction L... Street and Water Quality Improvements

February 1, 1999

	T					
Idam	Tou I	Former (0				Total
Ident.	Tax Lot	Frontage (ft	Area (sq ft)	Frontage	_	Assessable
No.	No.	Improvements	Improvements	Costs	Area Costs	Costs
1	2800	100	6204	\$4,231	\$2,178	\$6,409
2	2900	350	81396	14,809	28,571	43,380
3	3800	200	31900	8,462	11,197	19,660
4	3901	0	29750	0	10,443	10,443
5	4000	125	12500	5,289	4,388	9,677
6	4200	155	30970	6,558	10,871	17,429
7	9100	474	55845	20,056	19,603	39,658
8	9101	119	21420	5,035	7,519	12,554
9	9108	280	18000	11,847	6,318	18,165
10	2700	0	0	0	0	0
_11	2800	75	16425	3,173	5,765	8,939
12	2900	155	33945	6,558	11,915	18,474
13	3000	0	0	0	0	0
14	2700	150	10000	6,347	3,510	9,857
15	2600	50	5000	2,116	1,755	3,871
16	2400	75	7500	3,173	2,633	5,806
17	2301	88	8800	3,723	3,089	6,812
18	2300	162	7613	6,854	2,672	9,527
19	5100	100	5000	4,231	1,755	5,986
20	4900	150	15000	6,347	5,265	11,612
21	8200	100	10000	4,231	3,510	7,741
22	4300	100	5000	4,231	1,755	5,986
23	8300	275	17500	11,636	6,143	17,778
24	87.00	140	4000	5,924	1,404	7,328
25	8500	0	1250	0	439	439
26	8600	100	3750	4,231	1,316	5,547
27	9800	100	5000	4,231	1,755	5,986
28	9700	100	5000	4,231	1,755	5,986
29	2400	0	0	0	0	0
		3723	448768	157,525	157,525	315,050

Street & Water Quality Improvements - Total Cost:

\$315,050

\* 75% Assessment

Assessment Formula

50% of costs on Frontage Basis 50% of costs on Area Basis

\$157,525/3,723 ft

= \$42.3113/ft

\$157,525/448,768 sq.ft.

= \$0.3510/sq.ft.

## 69th Avenue Reconstruction LID Storm Drain and Detention Improvements

February 1, 1999

	T	T		<del></del>
				Total
Ident.	Tax Lot	Area (sq ft)		Assessable
No.	No.	Improvements	Area Costs	Costs
1	2800	6204	\$3,222	\$3,22
2	2900	81396	42,272	42,27
3	3800	31900	16,567	16,56
4	3901	29750	15,450	
5	4000	12500	6,492	6,49
6	4200	30970	16,084	16,08
7	9100	55845	29,002	29,00
8	9101	21420	11,124	11,124
9	9108	5000	2,597	2,59
10	2700	0	0	(
11	2800	0	0	(
12	2900	0	0	(
13	3000	0	0	(
14	2700	10000	5,193	5,193
15	2600	5000	2,597	2,597
16	2400	7500	3,895	3,895
17	2301	8800	4,570	4,570
18	2300	8700	4,518	4,518
19	5100	10000	5,193	5,193
20	4900	15000	7,790	7.790
21	8200	10000	5,193	5,193
22	4300	5000	2,597	2,597
23	8300	20000	10,387	10,387
24	8700	4000	2,077	2,077
25	8500	1250	649	649
26	8600	3750	1,948	1,948
27	9800	5000	2,597	2,597
28	9700	5000	2,597	2,597
29	2400	0	0	-,-,-
		393985	204,610	204,610

Storm Drain & Detention Improvements

\$204,610

Assessment Formula

100% of costs on Area Basis

\$204,610/393,985 sq ft

= \$0.51933/sq ft

# Sanitary Sewer Improvements

February 1, 1999

				<del></del>		
l	Tax					Total
Ident.	Lot				Service	Assessable
No.	No.	Area (sq ft)	Service (ea)	Area Costs	costs	Costs
1	2800	6204	0	\$972	\$0	\$97
2	2900	81396	1	12,754	2,400	15,154
3	3800	31900	0	4,998	0	4,998
4	3901	30000	0	4,701	0	4,70
5	4000	12500	1	1,959	2,400	4,359
6	4200	30970	0	4,853		4,853
7	9100	59130	1	9,265	2,400	11,665
8	9101	0	0	0	<del> </del>	(
9	9108	0	1	0	2,400	2,400
10	2700	0	0	0	0	Č
11	2800	0	1	0	2,400	2,400
12	2900	0	1	0	2,400	2,400
13	3000	0	0	0	0	0
14	2700	10000	0	1,567	0	1,567
15	2600	5000	0	783	0	783
16	2400	7500	0	1,175	0	1,175
17	2301	8800	1	1,379	2,400	3,779
18	2300	8700	1	1,363	2,400	3,763
19	5100	10000	0	1,567	0	1,567
20	4900	15000	1	2,350	2,400	4,750
21	8200	10000	0	1,567	0	1,567
22	4300	10000	0	1,567	0	1,567
23	8300	20000	1	3,134	2,400	5,534
24	8700	4000	0	627	0	627
25	8500	0	0	0	0	0
26	8600	0	0	0	0	0
27	9800	0	0	0	0	0
28	9700	0	0	0	0	0
29	2400	0	0	0	0	0
		361100	10	56,580	24,000	80,580

Sanitary Sewer Improvements

Services

\$56,580 \$24,000

Assessment Formula

Sanitary Sewer Improvements

\$56,580/361,100 sq. ft.

= \$0.1567/sq. ft.

Services

= \$2,400 each

## th Avenue Reconstruction L

## Water Improvements

February 1, 1999

	Tax	1"	2"			0.0		
Ident.	Lot	Service	i "	Fire hard a	1,,,,	2"		Total
No.	No.	4	Service	Fire hydrant	1	1 .	Fire Hydrant	l .
<b></b>	2800	(ea)	(ea)	(ea)	Costs	costs	Costs	Costs
1	<del> </del>	0	0		0	<del> </del>		\$0
2	2900	0	l l	2	0			
3	3800	0	0	1	0	0	4,845	4,845
4	3901	0	0	0	0	0	0	0
5	4000	0	1	0	0	1,250	0	1,250
6	4200	0	0	1	0	0	4,845	4,845
7	9100	0	1	1	0	1,250	4,845	6,095
8	9101	0	0	0	0	0	0	0
9	9108	1	0	0	300	0	0	300
10	2700	0	0	0	0	0	0	0
11	2800	1	0	0	300	0	0	300
12	2900	0	0	1	0	0	4,845	4,845
13	3000	0	0	0	0	0	0	0
14	2700	0	0	0	0	0	0	0
15	2600	0	0	0	0	0	0	0
16	2400	0	0	0	0	0	0	0
17	2301	0	0	0	0	0	0	0
18	2300	0	0	0	0	0	0	0
19	5100	0	0	0	0	0	0	0
20	4900	0	0	. 0	0	0	0	0
21	8200	0	0	0	0	0	0	<u>_</u>
22	4300	0	0	0	0	0	0	0
23	8300	I	0	0	300	0	0	300
24	8700	0	0	0	0	0	0	0
25	8500	0	0	0	0	0	0	0
26	8600	0	0	0	0	0	0	0
27	9800	0	0	0	0	0	0	0
28	9700	0	0	0	0	0	0	0
29	2400	0	0	0	0	0	0	0
					<del></del>		<u> </u>	-
		3.00			900	3,750	20.070	22.720
		5.00			900	3,730	29,070	33,720

Assessment Formula

1" Services

2" Services

Hydrants

3@ \$300 ea

900

3@ \$1,250 ea

6@ \$4,845 ea

= 3750 =29,070

\$33,720

## 69th Avenue Reconstruction LID Sidewalk Improvements

February 1, 1999

No.         Improvements         Costs         Costs           1         2800         4-175         \$4,569         \$4,569           2         2900         143         3,734         3,73           3         3800         0         0         0           4         3901         0         0         0           5         4000         0         0         0           6         4200         0         0         0           7         9100         0         0         0           8         9101         118         3,081         3,08           9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1			<del>                                     </del>		
1       2800       4-475       \$4,569       \$4,569         2       2900       143       3,734       3,73         3       3800       0       0       0         4       3901       0       0       0         5       4000       0       0       0         6       4200       0       0       0         7       9100       0       0       0         8       9101       118       3,081       3,08         9       9108       100       2,611       2,61         10       2700       0       0       0         11       2800       0       0       0         12       2900       0       0       0         13       3000       0       0       0         14       2700       150       3,917       3,91*         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,88*		1		_	Assessable
2       2900       143       3,734       3,73         3       3800       0       0       0         4       3901       0       0       0         5       4000       0       0       0         6       4200       0       0       0         7       9100       0       0       0         8       9101       118       3,081       3,08         9       9108       100       2,611       2,61         10       2700       0       0       0         11       2800       0       0       0         12       2900       0       0       0         13       3000       0       0       0         14       2700       150       3,917       3,91         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,883         19       5100       100       2,611       2,611	1	2800	45 175	\$4,569	<del></del>
3       3800       0       0         4       3901       0       0         5       4000       0       0         6       4200       0       0         7       9100       0       0         8       9101       118       3,081       3,08         9       9108       100       2,611       2,61         10       2700       0       0       0         11       2800       0       0       0         12       2900       0       0       0         13       3000       0       0       0         14       2700       150       3,917       3,917         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,883         19       5100       100       2,611       2,611         20       4900       150       3,917       3,917         21       8200       100       2,611	2	2900			3,734
5         4000         0         0         0           6         4200         0         0         0           7         9100         0         0         0           8         9101         118         3,081         3,08           9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100	3	3800			C
6         4200         0         0           7         9100         0         0           8         9101         118         3,081         3,08           9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           23         8300         100         2,611	4	3901	0	0	C
7         9100         0         0           8         9101         118         3,081         3,08           9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100	5	4000	0	0	0
8         9101         118         3,081         3,08           9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,91           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         850	6	4200	0	0	0
9         9108         100         2,611         2,61           10         2700         0         0         0           11         2800         0         0         0           12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           25         8500         0         0         0           26         8600	7	9100	0	0	0
9       9108       100       2,611       2,61         10       2700       0       0       0         11       2800       0       0       0         12       2900       0       0       0         13       3000       0       0       0         14       2700       150       3,917       3,917         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,883         19       5100       100       2,611       2,611         20       4900       150       3,917       3,917         21       8200       100       2,611       2,611         22       4300       100       2,611       2,611         23       8300       100       2,611       2,611         25       8500       0       0       0         26       8600       100       2,611       2,611         28       9700       100       2,611 </td <td>8</td> <td>9101</td> <td>118</td> <td>3,081</td> <td>3,081</td>	8	9101	118	3,081	3,081
10       2700       0       0       0         11       2800       0       0       0         12       2900       0       0       0         13       3000       0       0       0         14       2700       150       3,917       3,917         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,883         19       5100       100       2,611       2,611         20       4900       150       3,917       3,917         21       8200       100       2,611       2,611         22       4300       100       2,611       2,611         23       8300       100       2,611       2,611         24       8700       100       2,611       2,611         25       8500       0       0       0         26       8600       100       2,611       2,611         28       9700       100       2,611	9	9108	100		2,611
12         2900         0         0         0           13         3000         0         0         0           14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28	10	2700			0
13       3000       0       0       0         14       2700       150       3,917       3,917         15       2600       50       1,306       1,306         16       2400       75       1,958       1,958         17       2301       88       2,298       2,298         18       2300       187       4,883       4,883         19       5100       100       2,611       2,611         20       4900       150       3,917       3,917         21       8200       100       2,611       2,611         22       4300       100       2,611       2,611         23       8300       100       2,611       2,611         24       8700       100       2,611       2,611         25       8500       0       0       0         26       8600       100       2,611       2,611         27       9800       100       2,611       2,611         28       9700       100       2,611       2,611         29       2400       0       0       0	11	2800	0	0	0
14         2700         150         3,917         3,917           15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	12	2900	0	0	0
15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	13	3000	0	0	0
15         2600         50         1,306         1,306           16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	14	2700	150	3,917	3,917
16         2400         75         1,958         1,958           17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	15	2600	50	1,306	1,306
17         2301         88         2,298         2,298           18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	16	2400	75	1,958	1,958
18         2300         187         4,883         4,883           19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	17	2301	88	2,298	2,298
19         5100         100         2,611         2,611           20         4900         150         3,917         3,917           21         8200         100         2,611         2,611           22         4300         100         2,611         2,611           23         8300         100         2,611         2,611           24         8700         100         2,611         2,611           25         8500         0         0         0           26         8600         100         2,611         2,611           27         9800         100         2,611         2,611           28         9700         100         2,611         2,611           29         2400         0         0         0	18	2300	187		4,883
20     4900     150     3,917     3,917       21     8200     100     2,611     2,611       22     4300     100     2,611     2,611       23     8300     100     2,611     2,611       24     8700     100     2,611     2,611       25     8500     0     0     0       26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	19	5100	100	2,611	2,611
21     8200     100     2,611     2,611       22     4300     100     2,611     2,611       23     8300     100     2,611     2,611       24     8700     100     2,611     2,611       25     8500     0     0     0       26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	20	4900	150	3,917	
22     4300     100     2,611     2,611       23     8300     100     2,611     2,611       24     8700     100     2,611     2,611       25     8500     0     0     0       26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	21	8200	100	2,611	2,611
23     8300     100     2,611     2,611       24     8700     100     2,611     2,611       25     8500     0     0     0       26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	22	4300	100	2,611	
25     8500     0     0     0       26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	23	8300	100	2,611	2,611
26     8600     100     2,611     2,611       27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	24	8700	100	2,611	
27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	25	8500	0	0	0
27     9800     100     2,611     2,611       28     9700     100     2,611     2,611       29     2400     0     0     0	26	8600	100	2,611	2,611
29 2400 0 0 0	27	9800	100		2,611
29 2400 0 0 0		9700	100	2,611	2,611
	29	2400	0	0	0
2036 53,160 53,160			2036	53,160	53,160

Sidewalk Improvements

\$53,160

Assessment Formula

100% of Costs on Frontage Basis

\$53,160/2036 ft

# 69th Avenue Reconstruction LID Street Trees and Barkdust Improvements

February 1, 1999

	<del></del>		<del></del>	
İ				Total
Ident		Frontage (ft)	Frontage	Assessable
No.	No.	Improvements	Costs	Costs
1	2800	175	\$2,445	\$2,445
2	2900	711	9,933	9,933
3	3800	418	5,840	5,840
4	3901	0	0	0
5	4000	125	1,746	1,746
6	4200	155	2,165	2,165
7	9100	473	6,608	6,608
8	9101	118	1,649	1,649
9	9108	230	3,213	3,213
10	2700	0	0	0
11	2800	75	1,048	1,048
12	2900	175	2,445	2,445
13	3000	0	0	0
14	2700	150	2,096	2,096
15	2600	50	699	699
16	2400	75	1,048	1.048
17	2301	88	1,229	1,229
18	2300	187	2,612	2,612
19	5100	100	1,397	1,397
20	4900	150	2,096	2,096
21	8200	100	1,397	1,397
22	4300	100	1,397	1,397
23	8300	300	4,191	4,191
24	8700	140	1,956	1,956
25	8500	0	0	0
26	8600	100	1,397	1,397
27	9800	100	1,397	1,397
28	9700	100	1,397	1,397
29	2400	0	0	0
		4395	61,400	61,400
				-,,

Street Trees & Barkdust

\$61,400

Assessment Formula

100% of Costs on Frontage Basis

\$61,400/4,395 ft

## 69th Avenue Reconstruction LID **Undergrounding Power, Telephone and TV Improvements**

## February 1, 1999

	<del></del>	7	<del></del>	<del>,                                     </del>
				Total
Ident.	Tax Lot	Area (sq ft)		Assessable
No.	No.	Improvements	Area Costs	Costs
1	2800	6204	\$1,261	\$1,261
2	2900	81396	16,539	16,539
3	3800	31900	6,482	6,482
4	3901	29750	6,045	6,045
5	4000	12500	2,540	2,540
6	4200	30970	6,293	6,293
7	9100	55845	11,347	11,347
8	9101	21420	4,352	4,352
9	9108	5000	1,016	1,016
10	2700	28340	5,759	5,759
11	2800	16350	3,322	3,322
12	2900	38150	7,752	7,752
13	3000	17440	3,544	3,544
14	2700	10000	2,032	2,032
15	2600	5000	1,016	1,016
16	2400	7500	1,524	1,524
17	2301	8800	1,788	1,788
18	2300	8700	1,768	1,768
19	5100	10000	2,032	2,032
20	4900	15000	3,048	3,048
21	8200	10000	2,032	2,032
22	4300	10000	2,032	2,032
23	8300	0	0	0
24	8700	0	0	0
25	8500	0	0	0
26	8600	0	0	0
27	9800	0	0	0
28	9700	0	0	0
29	2400	46000	9,347	9,347
		506265	102,870	102,870

Undergrounding Power, Telephone, & TV

\$102,870

Assessment Formula

100% of costs on Area Basis

\$102,870/506,265 sq ft - \$0.2032/sq ft

## 69th Avenue Reconstruction L Ancillary Improvements

February 1, 1999

1			<del></del>		
					Total
	Ident.	Tax Lot	Area (sq ft)		Assessable
ı	No.	No.	Improvements	Area Costs	Costs
ı	1	2800	6204	\$4,341	\$4,341
ı	2	2900	81396	56,952	56,952
ı	3	3800	31900	22,320	22,320
l	4	3901	29750	20,816	20,816
I	5	4000	12500	8,746	
I	6	4200	30970	21,669	21,669
ı	7	9100	55845	39,074	39,074
L	8	9101	21420	14,987	14,987
L	9.	9108	5000	3,498	3,498
l	10	2700	28340	19,829	19,829
	11	2800	16350	11,440	11,440
L	12	2900	38150	26,693	26,693
L	13	3000	17440	12,202	12,202
	14	2700	10000	6,997	6,997
	15	2600	5000	3,498	3,498
	16	2400	7500	5,248	5,248
ſ	17	2301	8800	6,157	6,157
	18	2300	8700	6,087	6,087
	19	5100	5000	3,498	3,498
Г	20	4900	15000	10,495	10,495
Γ	21	8200	10000	6,997	6,997
Γ	22	4300	5000	3,498	3,498
	23	8300	15000	10,495	10,495
	24	8700	4000	2,799	2,799
	25	8500	1250	875	875
	26	8600	3750	2,624	2,624
	27	9800	13000	9,096	9,096
	28	9700	5000	3,498	3,498
Ĺ	29	2400	46000	32,185	32,185
Ĺ					
			538265	376,615	376,615
			· · · · · · · · · · · · · · · · · · ·		

Ancillary Improvements

\$376,615

Assessment Formula

100% of costs on Area Basis	\$376,615/538,265	= \$0.6997/ft
Right-of-Way Acquisition		330,000
Catch Basin @ Hampton		5575
Wheelchair Ramp @ Hampton		1890
Street Lighting		39,150
		376,615

## 69th Avenue Reconstruction LID Summary of Assessment Costs

February 1, 1999

No.	Tax Lot No.	Property Owner	Street & Water Quality	St.D. & Detention	Sanitary Sewer	1	0.1	Street Trees	Undergrounding power,		Total Assessab
1	2800	Kenneth M. Montgomery	\$6,409	\$3,222	\$972	Water	Sidewalk		Telephone & TV	Ancillary	Costs
2	2900	Donald E. & Julia Gail Pollock	43,380	42,272		\$0	\$4,569	\$2,445	\$1,261	\$4,341	\$23,21
3	3800	Richard L. Carpenter & Julia Gail & Donald Pollock	19,660	16,567	4,998	1 ,	,	9,933	16,539	56,952	198,9
4	3901	Richard L. Carpenter	10,443	15,450	4,791	1 .,		5,840	6,482	22,320	80,7
5	4000	Donald E. Pollock	9,677	6,492			1.	0	6,045	20,816	57,4
6	4200	Donald E. Pollock & Richard Carpenter	17,429	16.084	4,853			1,746	2,540	8,746	34,80
7	9100	Donald E. Pollock	39,658	29,002		4,845	0	2,165	6,293	21,669	73,33
8	9101	Alfred F. & Diane M. Kindrick	12,554	11,124	11,665	<del>                                     </del>	0	6,608	11,347	39,074	143,44
9	9108	Denise Porter & Sue Bennett	18,165	2,597	0			1,649	4,352	14,987	47.74
10	2700	John B. McCroskey	18,103	2,397	2,400	<del></del>	2,611	3,213	1,016	3,498	33.80
11	2800	Don R. & Cynthia Sue Morton	8,939	0	2 400	<u>-</u>	0	0	5,759	19,829	25,58
12		J.T., Jr. & Theresa A. Roth	18,474	0	2,400	300	0	1,048	3,322	11,440	27,44
13		KF LLC	10,474	0	2,400	4,845	0	2,445	7,752	26,693	62,60
14	2700	Landmark Ford, Inc.	9,857	5.193	1,567	0	0	0	3,544	12,202	15,74
15	2600	Landmark Ford, Inc.	3,871	2.597	783	0	3,917	2,096	2,032	6,997	31,65
16	2400	Landmark Ford, Inc.	5,806	3,895	1,175	0	1,306	699	1,016	3,498	13,76
17		Ella Opdal Snyder & John Milton	6,812	4,570	3,779	0	1,958	1,048	1,524	5,248	20,65
18		Cecil & Donna Rae Jones	9,527	4,518	3,763	0	2,298	1,229	1,788	6,157	26,63
19		Landmark Ford, Inc.	5,986	5,193	1,567	0	4,883	2,612	1,768	6,087	33,15
20	4900 .	Joseph A. & Cheryl A. Monego & James Monego	11,612	7,790	4,750	0	2,611	1,397	2,032	3,498	22,28
21	8200 I	Landmark Ford, Inc.	7,741	5,193	1,567	0	3,917	2,096	3,048	10,495	43,70
22	4300	Landmark Ford, Inc.	5,986	2,597	1,567	0	2,611	1,397	2,032	6,997	27,53
23		J.T., Jr. & Theresa A. Roth	17,778	10,387	5,534	300	2,611	1,397	2,032	3,498	19,68
24		J.T., Jr. & Theresa A. Roth	7,328	2,077	627		2,611	4,191	0	10,495	51,29
.5		I.T., Jr. & Theresa A. Roth	439	649	027	0	2,611	1,956	0	2,799	17,39
6		Stephen W. & Lynn L. Peirce	5,547	1,948	0	0	0	0	0	875	1,96
7		.T., Jr. & Theresa A. Roth	5,986	2,597	0	0	2,611	1,397	0	2,624	14,12
8		Mark R. Dana	5,986	2,597	0	0	2,611	1,397	0	9,096	21,68
9	2400 N	Western Evangelical Seminary	3,200	2,397	- 0	0	2,611	1,397	0	3,498	16,089
							0	- 0	9,347	32,185	41,532
			315,050	204,610	80,580		53,160				

# EXHIBIT F-4

## CITY OF TIGARD, OREGON

## RESOLUTION NO. 99- /()

A RESOLUTION DECLARING COUNCIL'S INTENTION TO FORM A LOCAL IMPROVEMENT DISTRICT (LID) TO IMPROVE 69<sup>TH</sup> AVENUE AND CERTAIN OTHER STREETS WITHIN THE TIGARD TRIANGLE IN THE CITY OF TIGARD.

WHEREAS, Specht Development, Inc. submitted a petition for formation of a Local Improvement District (LID) to construct improvements to the following streets within the City of Tigard:

- SW 69<sup>th</sup> Avenue between the south right-of-way line of SW Dartmouth Street and the south right-of-way line of the proposed extension of SW Beveland Street (i.e. the south property line of Tax Lots 9100, 8800 and 8600, 2S101AA)
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68<sup>th</sup> Avenue and SW 69<sup>th</sup> Avenue
- SW Beveland Street between SW 69<sup>th</sup> Avenue and SW 70<sup>th</sup> Avenue
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (South side only); and

WHEREAS, the proposed improvements include upgrading the streets to full city street standards, including sewer, water, storm drainage facilities, curbs, gutters, sidewalks, street trees, and undergrounding of any overhead utilities; and

WHEREAS, the Engineering staff prepared a preliminary evaluation report which was submitted to City Council for discussion and direction during the meeting of October 13, 1998; and

WHEREAS, the preliminary evaluation report determined that the proposed LID appears feasible and recommended that City Council take the next step in the LID formation process by authorizing the preparation of a preliminary engineering report; and

WHEREAS, the City Council discussed the proposed LID, heard the pros and cons about the proposed LID, and provided an opportunity for input by the initiators of the LID and other property owners; and

WHEREAS, the City Council by Resolution No. 98-52 authorized the preparation of a preliminary engineering report for the proposed LID; and

WHEREAS, the City Council has provided additional guidance since the meeting on October 13, 1998 to extend the LID boundary south to Hampton Street, and to include the extension of Beveland Street from 69th Avenue to 68th Avenue to satisfy the requirements of the Tigard Triangle Street Plan; and

WHEREAS, the City has retained the firm of DeHaas and Associates, Inc. to prepare the preliminary engineering report; and

WHEREAS, DeHaas and Associates, Inc. has completed the preliminary engineering report, which includes extension of the LID boundary to Hampton Street and the extension of Beveland Street from 69<sup>th</sup> Avenue to 68<sup>th</sup> Avenue; and

WHEREAS, the preliminary engineering report recommends that City Council proceed with the formation of the LID as proposed in the report.

## NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

#### **SECTION 1:**

The City Council hereby declares the intention to form a local improvement district (LID) to improve the following streets within the Tigard Triangle in the City of Tigard:

- SW 69th Avenue between the north right-of-way line of SW Hampton Street and the south right-of-way line of SW Dartmouth Street
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68th Avenue and SW 69th Avenue
- SW Beveland Street between SW 68th Avenue and SW 70th Avenue
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (South side only)

#### **SECTION 2:**

The improvements will include street, storm drain, sanitary sewer, water, sidewalk, lighting, undergrounding power-telephone-TV, and other ancillary improvements necessary to bring the streets up to full City standards. Basic construction will be procured in accordance with City of Tigard construction contract procurement procedures. Portions of construction may be completed by public utilities (sewer, telephone, TV and water). Miscellaneous construction may be provided by City Forces.

**SECTION 3:** 

The estimate of probable total costs of the improvements is \$1,228,005.00.

#### **SECTION 4**:

The methods of assessment shall be as follow:

- a. Street and Water Quality Improvements
  50% of costs on a Frontage Basis
  50% of costs on an Area Basis
- b. <u>Storm Drain and Detention Improvements</u> 100% of costs on an Area Basis
- c. <u>Sanitary Sewer Improvements</u>
  Service extension costs on a Per Each Basis
  Remaining costs on an Area Basis
- d. <u>Water Improvements</u>
  Service extensions and new hydrant costs on a Per Each Basis
- e. <u>Sidewalk Improvement</u> 100% of costs on a Frontage Basis
- f. Street Trees and Barkdust
  100% of costs on an Area Basis
- g. <u>Undergrounding Power, Telephone and TV</u> 100% of costs on an Area Basis

## h. Ancillary Improvements

100% of the following costs on an Area Basis:

- 1) Right-of-way acquisition, including right-of-way and demolition costs related to the taking of right-of-way for Beveland between 69th and 68th.
- 2) Add catch basin and lateral at NW corner of 69th and Hampton.
- Reconstruct wheelchair ramp at NW corner of 69th and Hampton, if deemed necessary.
- 4) Street Lighting

**SECTION 5**:

The public hearing to hear remonstrances shall be conducted during the City Council meeting on February 23, 1999 at 7:30 p.m. in City Hall, Town Hall Meeting Room, 13125 SW Hall Blvd., Tigard, Oregon.

**SECTION 6**:

Proper notice shall be given regarding the time and date of the public hearing to hear remonstrances. This notice should include the streets in the proposed LID and a brief description of the proposed public improvements.

PASSED:

This 9th day of February 1999.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

1:\Citywide\Res\Resolution of Intent to Form 69th Avenue LID

# EXHIBIT F-5

p. 1

Post-it Fax Note 7671 Date 1/7/99 Pages To Marlin De Has From Dione Jelderks

Co-per Has: Assoc. Co. Little of Tigard

Phone # Phone # 639 - 4171

Fax # 682 - 40/8 Fax # 624 - 0752

**OREGON** 

: 00

January 4, 1999

## **NEIGHBORHOOD MEETING**

for

## 69<sup>TH</sup> AVENUE RECONSTRUCTION LID (Local Improvement District)

The City of Tigard is proposing to form a Local Improvement District to effect construction of street and associated improvements in the following areas:

- 69<sup>th</sup> Avenue between the South right-of-way line of Dartmouth Street and the North right-of-way of Hampton Street
- Dartmouth Street between 69<sup>th</sup> Avenue and 70<sup>th</sup> Avenue (South side only)
- Elmhurst Street between 68<sup>th</sup> Avenue and 70<sup>th</sup> Avenue
- Franklin Street between 68<sup>th</sup> Avenue and 69<sup>th</sup> Avenue
- Beveland Street between 68th Avenue and 79th Avenue

Possible improvements may be made to the following:

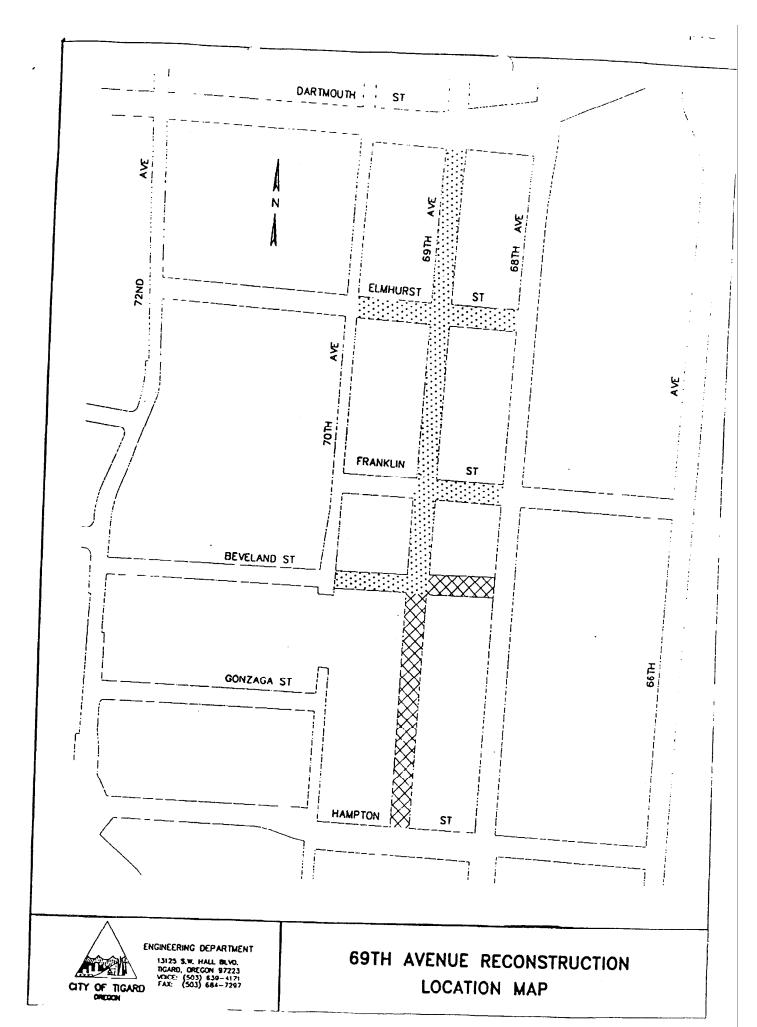
- Beveland Street between 68th and 69th Avenue
- 69<sup>th</sup> Avenue between Beveland Street and Hampton Street.

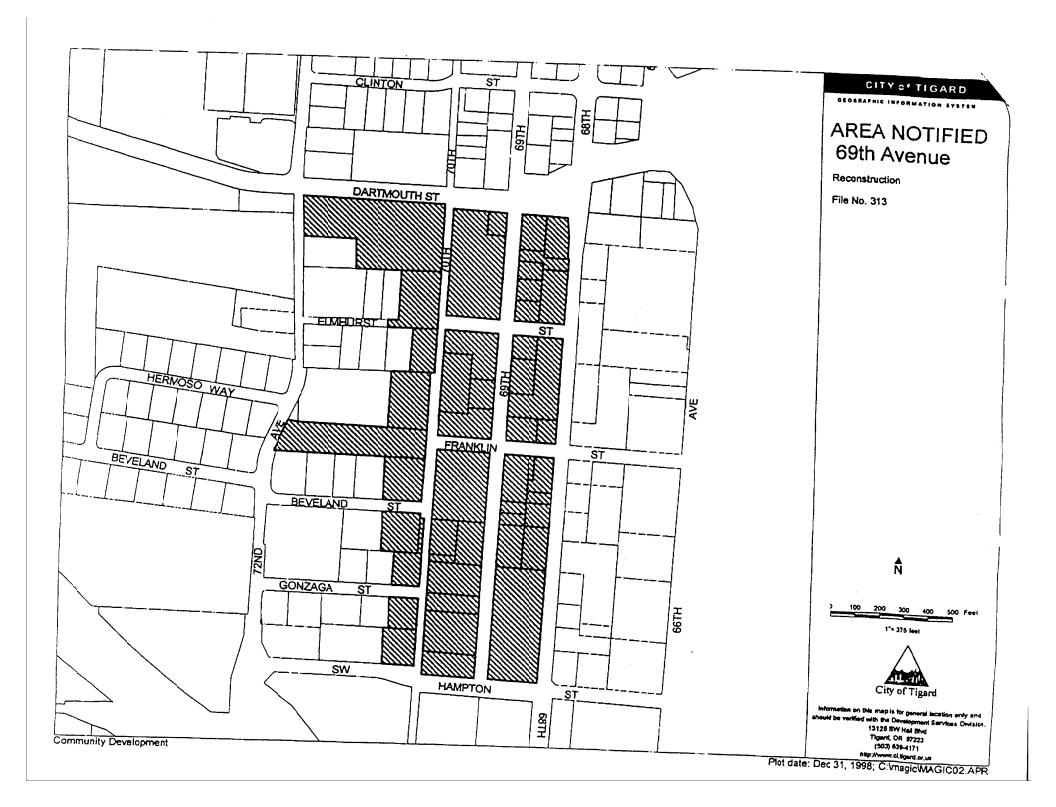
As an element of final plan development, the City would like to review the general plans and LID procedure with affected and surrounding property owners. You are invited to attend a meeting on:

Thursday, January 14, 1999 at the Tigard Water District Building (Auditorium) 8777 SW Burnham 6:00 – 7:30 PM

This will be an informational meeting on preliminary plan. Plans will be updated as final designs are completed.

If you have any questions, please contact Marlin DeHaas or Dave Price @ DeHaas & Associates, Inc. 682-2450.





# EXHIBIT F-6

## 69TH AVENUE RECONSTRUCTION

## AGENDA OUTLINE - Informal Public Meeting 1/14/99

## 1. INFORMAL INSPECTION OF PLANS AND COST EXHIBITS

### 2. INTRODUCTION

- a. Marlin Project Manager
- b. Dave Price Project Engineer
- c. Cliff Menting Assistant Engineer
- d. If anyone needs to call our office, number is 682-2450, fax 682-4018

#### 3. PROJECT REVIEW

This project is referred to as 69th Avenue Reconstruction, although there is some new construction proposed. Plans are preliminary only and subject to revisions as the final design is developed.

- a. Street Improvements (36ft wide with curb and gutter)
  - 1. Reconstruction of 69th from Beveland to Dartmouth.
  - 2. 1/2 street construction on 69th fronting T.L. 2900, 2800 and 9101.
  - 3. 1/2 street construction on Franklin fronting T.L. 8300.
  - 4. 1/2 street construction on Elmhurst fronting T.L. 2300.
  - 5. Sidewalk and Landscaping on Dartmouth between 69th and 70th.
  - 6. Full street construction Elmhurst 69th to 70th.

Beveland 68th to 70th.

- 7. There will be R/W acquisition costs on the portion of Beveland from 69th to 68th.
- 8. The newly constructed Beveland is proposed to connect to existing Beveland at 70th.
- 9. The newly constructed Elmhurst is not proposed to connect to the West of 70th.

## b. Storm Drainage

- 1. Phase in a new catch basin at Hampton.
- 2. Construct storm drains serving Beveland and Franklin, all to connect to the existing storm drain to the South, except for 1/2 block which must drain to the West to existing Beveland.
- 3. Resize and reconstruct the major crossing between Franklin and Elmhurst.
- 4. Collect drainage on 69th and Elmhurst to drain West to 70th and North on 70th to a water quality/detention facility (approximately 6,000 ft<sup>3</sup>).

### c. Sanitary Sewer

- 1. Extend from Beveland North to Elmhurst.
- 2. Extend from Dartmouth South to Elmhurst.
- 3. Construct services as required.

## d. Water (TVWD)

- 1. Construct an 8" main in Beveland from 69th to 70th and connect to existing 4". TVWD has plans to resize the 4" in the future.
- 2. Construct an 8" main in Elmhurst from 69th to 70th.
- 3. Construct services as required.

## e. Ancillary Improvements

- 1. Underground existing power from Hampton to Beveland, from Franklin to the North side of Dartmouth and on Elmhurst from 69th to 70th.
- 2. Possible overlay of paving at South end of 69th depending upon pavement strength analysis.
- 3. R/W acquisition at intersection corners to provide for pedestrian ramps.
- 4. R/W acquisition for Beveland between 69th and 68th (R/W for Beveland between 69th and 70th is proposed to be dedicated at no cost as a part of conditions for development on the West side of 69th between Beveland and Dartmouth).

### f. Costs

 Costs of improvements have been estimated on the basis of preliminary plans and without the benefit of final design. Preliminary costs estimates will be further refined when final designs are complete. We are always investigating opportunities to mitigate costs.

## g. Timing

- 1. Public hearing on formation of the LID before council 2/23/99.
- 2. LID formed by council on 3/9/99.
- 3. Construction Bid Award 6/1/99.
- 4. Project substantially complete 9/15/99.

#### 4. LID PROCEDURES

- a. All cities have ordinances providing for forming LID's to construct and finance public improvements. This is a project which lends itself to that process. The City sells bonds to finance the design and construction. Bonds are retired as assessments are paid by benefitting property owners.
- b. In this case initiation of the LID process was by petition of more than 50% of the property benefitted.

- c. Council calls for a Preliminary Engineering Report. (This informal meeting is being held before we complete that report).
- d. The Preliminary Engineering Report is presented to Council where upon they approve the report (with modifications if deemed appropriate) and calls for a public hearing.
- e. All property owners to be assessed will be notified of the public hearing both individually and by publication in the newspaper. The notice, among other items will:
  - 1) Give the time of the hearing.
  - 2) Describe the project.
  - 3) Estimate of total cost of project and portion proposed for assessment.
  - 4) Will indicate that the purpose of the hearing is to remonstrances (objections) either written or oral.
- f. If the remonstrance from property owners represents less than 2/3 of the property area within the district, the City can proceed with formulation of the LID.
- g. Assuming the district is formed, the City completes final design, takes construction bids and constructs the project.
- h. After the project is complete and all costs are known, assessments are calculated and a public hearing held to consider any objections to the proposed assessments.
- i. Notices of the assessments are sent to the property owners and they are given the opportunity to promptly pay all or a portion of the assessment, or make application to pay all or remaining portion of the assessment in semi annual installments over a 10 yr period including interest on the unpaid balance. That is 1/20th of the principal plus interest. The interest rate will be set at 2% above the bond yield. The assessment can be paid off at anytime.

## 5. PROPOSED ASSESSMENT METHODS

- a. Street and Storm Drain
  50% of costs on Frontage basis.
  50% of costs on Area basis.
- b. Ancillary Improvements Undergrounding power, R/W acquisition, Overlay(If required)
   100% of costs on Area basis.
- c. Sanitary Sewer
  Services on a Per Each basis.
  Remaining costs on an Area basis.

d. Water
Services on a Per Each basis.
Remaining costs on an Area basis.

## 6. QUESTIONS AND ANSWERS

- a. Assembled Group.
- b. Informal around Exhibits.

# EXHIBIT F-7



02/08/99 MON 13:33 FAX 5036391471

CITY OF TIGARD

p. 1 **2001** 



February 8, 1999

Todd R. Sheaffer Specht Development 15400 SW Millikan Way Beaverton, Oregon 97006

RE: 69th Avenue LID

Dear Mr. Sheaffer:

I have considered your request for a 20 year term for repayment of the assessments for the 69th Avenue LID. Given the strong relationship between the current assessed value of the properties involved in the LID and the proposed cost of LID improvements, I have approved your request.

When the LID project is complete, I will send a notice of assessment to each property owner for each lot included in the LID. The notice will give each owner the opportunity to pay their assessment in cash or sign an agreement to pay their assessment in installments over the twenty year period. The interest rate on the assessments to be paid in installments will be determined after all contracts are signed and bonded.

I am also attaching a description of the State of Oregon program for deferral of special assessments as you requested.

If you have any further questions, please call me at 639-4171 ext. 345.

Sincerely

Wayne Lowry

Director of Finance

Post-it\* Fax Note Fax #

Gus Ducnas, City of Tigard Ed Murphy, Ed Murphy and Associates Marlin De Haas, De Haas & Associates, Inc.





Information Circular

September 1997

## **Deferral** of Special Assessments

Senior citizens can "borrow" to pay for public improvements that are charged against their property. The state will make the payments for those who qualify. All payments, plus interest, must be repaid.

Oregon homeowners age 62 or older may defer payments on certain "special assessments" against their property. These are assessments by a city, county, sanitary district or other taxing district for improvements such as paved streets, sidewalks and sewers. Because these assessments usually are large, homeowners may pay in installments over several years.

## How does deferral work?

If you qualify for the deferral program, the State of Oregon will make the installment payments for you.

The payments will be charged to an account that establishes a lien against your property. The money, plus interest, must be paid back when you move, sell the property, change ownership or die. The interest rate is 6 percent per year.

This program allows you to live on your property as long as you wish without making special assessment payments. You may apply to defer present and future assessments. If you have any past due assessments, you also may defer those (including interest or penalty you owe).

## Do I qualify?

To qualify for the deferral program:

- 1. You must be 62 or older at the time you file the application.
- 2. You must have a recorded deed to the property or be buying the property under a recorded sides contract. Certain trustor-trustee arrangements qualify for deferral. You are not eligible for deferral if you have only a life estate interest in the property. Your homestead is limited to your principal dwelling and the tax lot upon which it is located.
- 3. You must live on the property)(except for an individual required to be absent by reason of health). If the property is owned by two or more persons, not husband and wife, each owner must apply, live on the property, he 62 or older, and have combined household income of \$17,500 or less per year.

- 4. If you owe any assessments when you file the application, the property must not have been sold at a foreclosure sale.
- 5. Your household income must be less than \$17,500 for the preceding year. Household income include both taxable and nontaxable income.

## How to apply

Apply for the deferral between October 1 and December 1 at the assessment district office that billed you for the improvement.

The application must include a certified copy of the installment agreement. If your payments are delinquent and you want the state to pay them, the delinquent amount must be shown on the application.

The taxing district bonding officer will send your application to the Oregon Department of Revenue for approval. If the department approves your application, the state will pay your special assessment installments for you as long as the property qualifies.

## Payments on the deferred amount.

You or your spouse may pay all or part of the deferred amount, and still defer present or future payments. Others (relatives or friends) also may pay for you if you don't object. All payments should be made to the taxing district office.

## When deferred assessments are due

All deferred assessment payments, plus interest, become due on August 15 of the calendar year after the year that any of these events occur:

- The person who claimed the deferral dies.
- The ownership of the property changes.
- The person who claimed the deferral no longer lives. on the property (except when required to be absent for health reasons).

However, if the person who deferred the payment dies or is disqualified, that person's spouse may continue the deferral if:

- The survivor was age 59½ or older when the disqualification occurred.
- Meets other qualifications, and
- Applies by August 15 of the next year.





When heirs inherit the property and make it their principal residence by August 15 of the following year, a repayment schedule may be arranged with the Oregon Department of Revenue.

Call Salem at 378-4988 for information about your deferred account balance. This number is not toll-free. TTY (hearing or speech impaired only): (503) 945-8617. Call your assessment district for the assessment balance. Make any payments to the assessment district. Your assessment district will send the payments to the Department of Revenue.

# Property tax deferral program

The program deferring special assessments isn't related to the Senior Citizen's Property Tax Deferral program. You may defer payments under one or both programs, but you must make a separate application for each. You must apply for property tax deferral with your county assessor between January 1 and April 15.

For more information about tax deferral, write for the free information circular, "Senior Citizen's Property Tax Deferral," 150-310-675. The address is:

Publications
Oregon Department of Revenue
PO Box 14999
Salem OR 97309-0990

### Taxpayer assistance

Call: Salem

(503) 378-4988

Toll-free within Oregon

1-800-356-4222

The toll-free number is only available January through April.

For touchtone phones, our telephone voice response system has recorded tax information about many of your

Oregon tax questions. You can also order tax forms. This service is available 24 hours a day.

Once you're in the system, push:

- 1—For personal income tax refund information (beginning March I).
- 2—To order current year or amended forms. (Some federal forms available.)
- 6—For other information.
- 0-For assistance from a representative.

Representatives are available: 7:30 A.M.—5:10 P.M. Monday—Friday, except Wednesday when the hours are 9 A.M.—5:10 P.M. Closed on holidays. From April 1—April 15, representatives are available from 7 A.M. until 7 P.M., Monday—Friday.

TTY (hearing or speech impaired only). These numbers are answered by machine only and are not for voice use. The year-round toll-free number within Oregon is 1-800-886-7204. In Salem, the number is (503) 945-8617.

Habla Español? Las personas que necesitan asistencia en Español pueden dejar un mensaje. El número disponible todo el año en Salem es (503) 945-8618.

A message line is available all year for those who need assistance in Spanish. The number in Salem is (503) 945-8618.

In compliance with the Americans with Disabilities Act (ADA), this information is available in alternative formats upon request by calling (503) 378-4988.

### To get forms

Income tax booklets are available at many post offices, banks and libraries. Or write to: Forms, Oregon Department of Revenue, PO Box 14999, Salem OR 97309-0990. Our Internet address is: http://www.dor.state.or.us

February 10, 1999



# NOTICE

Public Meeting Wednesday, February 17, 1999 6:00 PM

@

City of Tigard Town Hall 13125 SW Hall Blvd.

to discuss

69th Avenue LID

Public Hearing Tuesday, February 23, 1999 7:30 PM



City of Tigard Town Hall 13125 SW Hall Blvd.

(See Attached for additional information)

# NOTICE OF PUBLIC HEARING 69TH AVENUE RECONSTRUCTION

By resolution No. 99-10 passed February 9, 1999, the Tigard City Council declared its intention to form a Local Improvement District (LID) to improve the following streets within the City of Tigard.

- SW 69th Avenue between the North right-of-way line of SW Hampton Street and the South right-of-way line of SW Dartmouth Street
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68th Avenue and SW 69th Avenue
- SW Beveland Street between SW 68th Avenue and SW 70th Avenue
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (South side only)

The improvements will include street, storm drain, sanitary sewer, water, sidewalk, street trees, undergrounding power, telephone, TV, and other ancillary improvements necessary to bring the streets up to full City standards. Ancillary improvements include right-of-way acquisition, a catch basin and wheelchair ramp at Hampton and street lighting.

Basic construction will be by letting construction contracts in the usual manner. Portions of construction may be completed by public utilities (power, telephone, TV and water). Miscellaneous construction may be provided by City Forces. Construction is proposed for the Summer of 1999.

The property specially benefitted and included in the LID is shown on the attached may.

The estimated total cost of the improvements is \$1,228,005. All costs are proposed to be paid for by special assessments.

The public hearing to hear remonstrances will be conducted during the City Council meeting on February 23, 1999 at 7:30 p.m. in City Hall, Town Hall Meeting Room, 13125 SW Hall Blvd., Tigard, Oregon.

The purpose of the hearing is to hear remonstrances. In order to be considered, all written and oral remonstrances must be received by the close of the hearing.

In addition, an informal meeting will be held at the City Hall at 6:00 p.m., Wednesday, February 17, 1999. The purpose of this informal meeting is to answer detailed questions so that property owners will be well-informed and simplify questions to be answered at the formal public hearing.

The preliminary project design and other additional information is available for public review at:

 The office of the Engineer DeHaas & Associates, Inc. 9450 SW Commerce Circle Suite 300, AGC Center Wilsonville, Oregon 97070 (503) 682-2450 (Marlin DeHaas)  At the Receptionist Desk Tigard City Hall 13125 SW Hall Blvd. Tigard, Oregon 97223

189hear.F09

#### 69TH AVENUE RECONSTRUCTION

### AGENDA OUTLINE - Informal Public Meeting 2/17/99

### 1. INFORMAL INSPECTION OF PLANS AND COST EXHIBITS

### 2. INTRODUCTION

- a. Marlin Project Manager
- b. If anyone needs to call our office, number is 682-2450, fax 682-4018

#### 3. PROJECT REVIEW

This project is referred to as 69th Avenue Reconstruction. Plans are preliminary only and subject to revisions as the final design is developed.

- a. Street Improvements (36ft wide with curb and gutter)
  - 1. Reconstruction of 69th from Beveland to Dartmouth.
  - 2. 1/2 street construction on 69th fronting T.L. 2900, 2800 and 9108.
  - 3. 1/2 street construction on Franklin fronting T.L. 8300.
  - 4. 1/2 street construction on Elmhurst fronting T.L. 2300.
  - 5. Sidewalk and Landscaping on Dartmouth between 69th and 70th.
  - 6. Full street construction Elmhurst 69th to 70th.

Beveland 68th to 70th.

- 7. There will be R/W acquisition costs on the portion of Beveland from 69th to 68th.
- 8. The newly constructed Beveland is proposed to connect to existing Beveland at 70th.
- 9. The newly constructed Elmhurst is not proposed to connect to the West of 70th.

### b. Storm Drainage

- 1. Phase in a new catch basin at Hampton.
- 2. Construct storm drains serving Beveland and Franklin, all to connect to the existing storm drain to the South, except for 1/2 block which must drain to the West to existing Beveland.
- 3. Resize and reconstruct the major crossing between Franklin and Elmhurst.
- 4. Collect drainage on 69th and Elmhurst to drain West to 70th and North on 70th to a water quality/detention facility.

#### c. Sanitary Sewer

- 1. Extend from Beveland North to Elmhurst.
- 2. Extend from Dartmouth South to Elmhurst.
- 3. Construct services as required.

### d. Water (TVWD)

- 1. Construct an 8" main in Beveland from 68th to 70th. We have an understanding that TVWD will construct and pay for this new 8" line. There will be no costs therefor to the LID. TVWD has plans to resize the 4" existing in Beveland West of 70th.
- 2. Construct an 8" main in Elmhurst from 69th to 70th.
- 3. Construct services as required.
- 4. Construct Fire Hydrants as required.

### **Ancillary Improvements**

- 1. Underground existing power from Hampton North to TL 9800, from Franklin to the North side of Dartmouth and on Elmhurst from 69th to 70th.
- 2. R/W acquisition at intersection corners to provide for pedestrian ramps.
- 3. R/W acquisition for Beveland between 69th and 68th (R/W for Beveland between 69th and 70th is proposed to be dedicated at no cost as a part of conditions for development on the West side of 69th between Beveland and Dartmouth).

#### f. Costs

 Costs of improvements have been estimated on the basis of preliminary plans and without the benefit of final design. Preliminary costs estimates will be further refined when final designs are complete. We are always investigating opportunities to mitigate costs.

### g. Timing

- 1. Public hearing on formation of the LID before council 2/23/99.
- 2. LID formed by council on 3/9/99.
- 3. Construction Bid Award 6/1/99.
- 4. Project substantially complete 9/15/99.

#### 4. LID PROCEDURES

- a. All cities have ordinances providing for forming LID's to construct and finance public improvements. This is a project which lends itself to that process. The City sells bonds to finance the design and construction. Bonds are retired as assessments are paid by benefitting property owners.
- b. In this case initiation of the LID was by petition by Specht Development.
- c. Council calls for a Preliminary Engineering Report. (This informal meeting is being held before we complete that report).
- d. The Preliminary Engineering Report is presented to Council where upon they approve the report (with modifications if deemed appropriate) and calls for a public hearing.

- e. All property owners to be assessed will be notified of the public hearing both individually and by publication in the newspaper. The notice, among other items will:
  - 1) Give the time of the hearing.
  - 2) Describe the project.
  - 3) Estimate of total cost of project and portion proposed for assessment.
  - 4) Will indicate that the purpose of the hearing is to remonstrances (objections) either written or oral.
- f. If the remonstrance from property owners represents less than 2/3 of the property area within the district, the City can proceed with formulation of the LID.
- g. Assuming the district is formed, the City completes final design, takes construction bids and constructs the project.
- h. After the project is complete and all costs are known, assessments are calculated and a public hearing held to consider any objections to the proposed assessments.
- i. Notices of the assessments are sent to the property owners and they are given the opportunity to promptly pay all or a portion of the assessment, or make application to pay all or remaining portion of the assessment in semi annual installments over a 10 yr period including interest on the unpaid balance. That is 1/20th of the principal plus interest. The interest rate will be set at 2% above the bond yield. The assessment can be paid off at anytime.

### 5. PROPOSED ASSESSMENT METHODS

- a. Street and Storm Drain
  50% of costs on Frontage basis.
  50% of costs on Area basis.
- b. Ancillary Improvements Undergrounding power, R/W acquisition. 100% of costs on Area basis.
- c. Sanitary Sewer
   Services on a Per Each basis.
   Remaining costs on an Area basis.
- d. Water
   Services on a Per Each basis.
   Hydrants Per Each
   Remaining costs on an Area basis.

# 6. QUESTIONS AND ANSWERS

- a. Assembled Group.
- b. Informal around Exhibits.

February 25, 1999



# NOTICE

# Continuation of Public Hearing

for

69th Avenue LID (Local Improvement District)

Tuesday, March 9, 1999 7:30 PM

@

City of Tigard Town Hall 13125 SW Hall Blvd.

(See attachment for additional information)

# Notice of Public Hearing Proposed 69<sup>th</sup> Avenue Local Improvement District

The public hearing on the proposed 69<sup>th</sup> Avenue LID (Local Improvement District), conducted on February 23, 1999, is continued to the March 9, 1999, City Council meeting. By Resolution No.99-10 passed February 9, 1999, the Tigard City Council declared its intention to form an LID to improve the following streets within the City of Tigard.

- SW 69th Avenue between the North right-of-way line of SW Hampton Street and the South right-of-way line of SW Dartmouth Street
- SW Elmhurst Street between SW 68th Avenue and SW 70th Avenue
- SW Franklin Street between SW 68th Avenue and SW 69h Avenue
- SW Beveland Street between SW 68th Avenue and SW 70th Avenue
- SW Dartmouth Street between SW 69th Avenue and SW 70th Avenue (South side only)

The improvements will include street, storm drain, sanitary sewer, water, sidewalk, street trees, undergrounding power, telephone, TV, and other ancillary improvements necessary to bring the streets up to full City standards. Ancillary improvements include right-of-way acquisition, a catch basin and wheelchair ramp at Hampton and street lighting. In compliance with TMC Title 13, Chapter 13.04, Section 13.04.040 a public hearing will be conducted on the proposed district.

Basic construction will be performed by construction contract procured in accordance with City procurement procedures. Portions of construction may be completed by public utilities (power, telephone, TV and water). Miscellaneous construction may be provided by City forces. Construction is proposed for the summer of 1999.

The properties specially benefited and included in the LID are shown on the attached map. The estimated total cost of the improvements is \$1,228,005. All costs are proposed to be paid for by special assessments.

The public hearing to hear remonstrances will be resumed during the City Council meeting on March 9, 1999 at 7:30 p.m. in City Hall, Town Hall Meeting Room, 13125 SW Hall Blvd., Tigard, Oregon.

The purpose of the hearing is to hear remonstrances. In order to be considered, all written and oral remonstrances must be received by the close of the hearing.

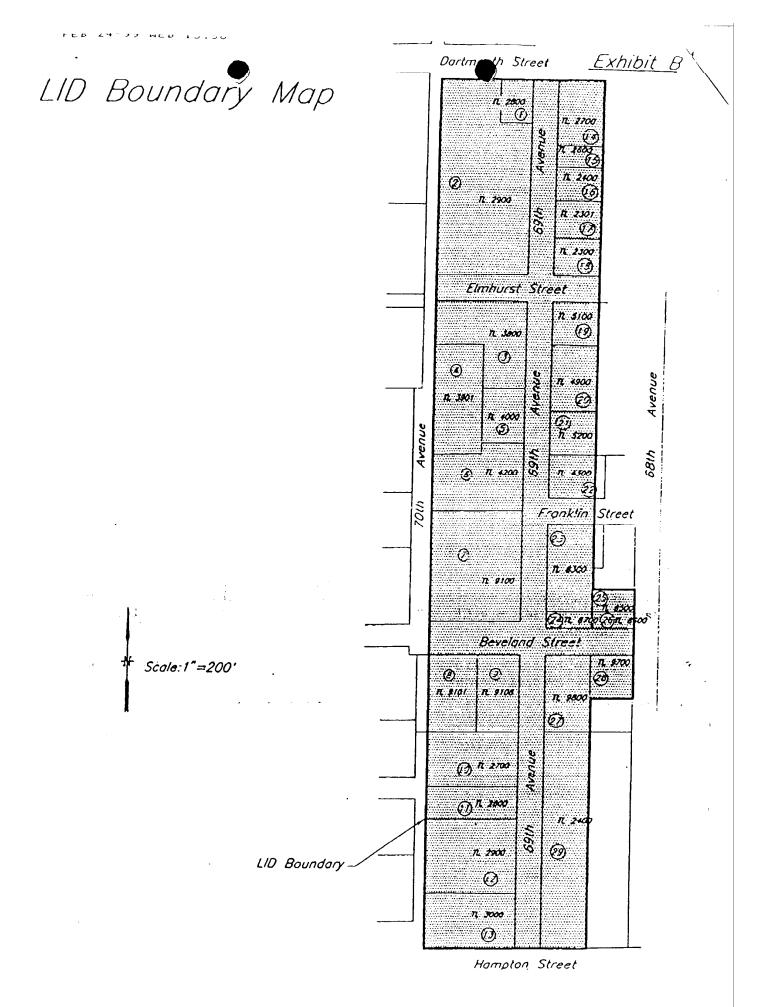
The preliminary project design and other additional information are available for public review at:

The office of the Engineer
DeHaas & Associates, Inc.
9450 SW Commerce Circle
Suite 300, AGC Center
Wilsonville, Oregon 97070
(503) 682-2450 (Marlin DeHaas)

TT Public 2/18/99

Receptionist Counter
 Tigard City Hall
 13125 SW Hall Blvd.
 Tigard, OR 97223

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### CITY OF TIGARD, OREGON

# ORDINANCE NO. 99-<u>07</u>

AN ORDINANCE CONFIRMING AND RATIFYING THE RESOLUTION OF THE CITY COUNCIL OF FEBRUARY 9, 1999, AS AMENDED, WITH RESPECT TO THE BOUNDARIES OF THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT (LID #49); DECLARING RESULTS OF THE HEARING HELD WITH RESPECT TO THE IMPROVEMENT; DETERMINING THE BENEFITED PROPERTIES TO BE ASSESSED; ESTABLISHING THE DISTRICT; AND ORDERING THE IMPROVEMENTS TO BE MADE IN CONFORMANCE WITH PLANS AND SPECIFICATIONS BEING PREPARED FOR THE IMPROVEMENTS.

WHEREAS, Resolution No. 99-10 was passed by the City Council of the City of Tigard at its regular meeting of February 9, 1999, which described the boundaries of a proposed street improvement assessment district, and which declared the Council's intention to construct street improvements, including curb, gutters, sidewalk, streetlights, storm drainage facilities, sanitary sewer, waterlines, street trees, undergrounding of any overhead utilities, and appurtenances thereto, and to assess the costs for the improvements against the properties within the boundaries which have been found to be specially benefited; and

WHEREAS, pursuant to the resolution, legal notice of the hearing scheduled for February 23, 1999 was given by publication in the Tigard Times on February 18, 1999 prior to the hearing; and

WHEREAS, by the terms of the resolution a hearing was held at 7:30 p.m. on February 23, 1999 at the Town Hall Meeting Room in City Hall located at 13125 SW Hall Boulevard in Tigard, Oregon and was continued to March 9, 1999 at 7:30 p.m. for the purpose of affording an opportunity to any parties affected by the proposal to make objections or remonstrances to the proposed improvements; and

WHEREAS, written notice regarding the continuation of the public hearing was given to all property owners in the proposed assessment district ten or more days prior to the continuation of the hearing in accordance with TMC 13.04.040 (b)(1)B; and

WHEREAS, the preliminary plans and specifications for the improvements, the estimates of the work to be performed, and the probable costs of the improvements which each lot should pay were available to the public at the meeting and prior to the meeting; and

WHEREAS, by the terms of the resolution and public notice, written objections or remonstrances from not less than 66 2/3% by property area of the owners of the properties within the boundaries of the proposed improvement assessment district were invited as provided by TMC 13.04.040; and

WHEREAS, all objections and remonstrances presented prior to the hearing and at the hearing represent less than 66 2/3% by property area within the improvement assessment district, and that the percentage of remonstrances is not a ban to further proceedings in the making of the improvements; and

WHEREAS, all proceedings to date have been in conformity with State Statute, the Tigard Charter, Chapter IX, §38, §39, and Tigard Municipal Code, Title 13, and all procedures were regularly and lawfully conducted.

# NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

#### **SECTION 1:**

Resolution No. 99-10, adopted by the City Council on February 9, 1999, and attached and marked as Exhibit "A" shall be adopted as a part of this ordinance subject to the amendments set forth in Sections 5 and 6 of this ordinance. The amendments are a result of the public hearing proceedings, and the amended resolution is hereby approved, ratified, and confirmed. The boundaries of the area henceforth to be known as 69th Avenue Local Improvement District, as described in the resolution, are declared and fixed in accordance with the description.

#### **SECTION 2:**

The City Council, having acquired jurisdiction to order the improvements to be made, does hereby authorize the formation of the local improvement district and directs the Finance Director to prepare the Preliminary Assessment Roll.

#### **SECTION 3:**

The City Council further authorizes the acquisition of land as provided by State law and the Tigard Municipal Code, and the construction of street improvements within the boundaries of the 69th Avenue Local Improvement District in conformity in all reasonable particulars with the plans and specifications being prepared for this LID.

#### **SECTION 4:**

The estimated costs and expenses of the improvements to be assessed against the specially benefited properties is \$1,228,005.00. The estimated costs include the cost of construction and installation of the improvements, advertising, legal, administrative, survey, engineering, notice, supervision, materials, labor, contracts, equipment, inspections and assessment costs; financing costs including interest charges; the costs of necessary property right-of-way or easement acquisition and condemnation proceedings; attorney's fees and any other necessary expenses.

#### **SECTION 5:**

All lands situated within the boundaries described on the attached Exhibit "A" are determined and declared to be a street improvement assessment district, and it is further declared that each lot, part of lot and parcel of land within said boundaries will be specially benefited by said improvements. The estimated cost is \$1,228,005.00 for the improvements including land acquisition costs. The City of Tigard shall be a participant in the street improvement assessment district and shall contribute an amount not to exceed \$200,000.00 for land acquisition costs to permit construction of the Beveland Street Extension between 68th Avenue and 69th Avenue. The project costs estimated to be \$1,228,005.00 shall be assessed, according to benefit, against all lands within the district, except that the City of Tigard shall contribute an amount not to exceed \$200,000.00 that shall be used to reduce the costs assessible to the benefited properties. Benefit for the purposes of LID #49 is hereby determined to be derived according to improving both the property's ability to develop as set forth in the Comprehensive Plan and the Tigard Triangle Design Standards for the City of Tigard, and the property's access to the improvements.

#### **SECTION 6:**

The final costs of the improvements to be assessed shall be determined after completion of all improvements and acceptance of the improvements by the City of Tigard. The final methods of assessment shall likewise be determined after the improvements are completed and accepted.

SECTION 7:	The Tigard City Council finds that the 69th Avenue Local Improvement District improvements are local improvements of the character described in TMC 13.04.010(a) and ORS 310.140, and that they therefore qualify for interim financing pursuant to ORS 223.235.
SECTION 8:	This ordinance shall be effective 30 days after its enactment by the Council and approval by the Mayor.
PASSED: and title only, this	By Unanimous vote of all Council members present after being read by number day of March, 1999.
	Catherine Wheatley Catherine Wheatley, City Recorder
APPROVED:	By Tigard City Council this 4 day of March 1999.  James Nicoli, Mayor
Approved as to for	m:
City Attorney  3.9.99	
Date	-

# **PUBLISHED** FIRST TIME TODAY

**69TH AVENUE** RECONSTRUCTION LID Bids due 2:00 pm, May 18 ADVERTISEMENT FOR BIDS

ADVERTISEMENT FOR BIDS
Written, sealed bids will be received by
the Engineering Department, City of
Tigard, 13125 SW Hall Boulevard, Tigard,
OR 97223, until 2:00 o'clock PM, May
18, 1999, at which time they will be publicty opened and read. Proposals shall be
clearly marked 60th Avenue Reconstruction LID and also show the date and time
of bid opening.

clearly marked 99th Avenue Reconstruction LID and also show the date and time
of bid opening.

The project includes approximately the
following major items: 1. Common Excavation—2179 Cublic Yard; 2. Crushed
Rock—1783; Cublic Yard; 3. ACT Pavement—2323 Ton; 4. Cutb & Guttler—4619
Lineal Feet; 5. Water Quality Facility—All
Lump Start; 8.+HDPE: Pipe 65 to 247—
2063 Lineal Feet; 7. PAC Pipe—1754 Linpel Feet; 8. Castn: Besin; 14" x 8")—17
Each; 9. Manholds—13 Each; 10. Detention Facility—All :Lump Start; 11. :Fire
Hydrant installations—6 Each; 12. Concrete: Sidewelk—28,138 Square Feet; 13.
Street Trans—188 Each; 14. Underground
Power (Edisting & New)—3485 Lineal Feet;
15. Street Lighting—14 Each.
Plans and specifications may be
obtained from the Engineering Department, 13125 SW Hall Boulevard, Tipard,
Oregon, for a non-retundable charge of
\$25.00 each. Copies will be mailed for
an additional fee of \$5.00 per set of plans
and specifications.
Plans and specifications may be evam-

and specifications.

and specifications.

Plans and specifications may be examined at the following Plan Centers: Daily Journal of Commerce, McGraw-Hill Construction Data, Impact Plan Center, Oregon Contractors Plan Center, Salem Contractors Exchange, and Southwest Washington Contractors Association.

All bids will be publicly opened at the designated time and place. They shall be intact with the contract documents and

must be accompanied by a bond, postal money order, certified or cashier's check from the bidder in the amount of ten percent of the bid as security.

The bidder shall be registered with the Oregon Construction Contractors Board prior to bid onening.

The bidder shall be registered with the Chregon Construction Contractors Board prior to bid opening.

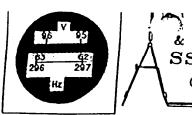
The successful bidder will be required to execute a formal contract and performance bond in form as approved by the City's attorney.

The bidder shall comply with the requirements of the prevailing wage law in ORS 279.350.

The City may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may reject for good cause any or all bids upon a finding of the City that it is in the public interest to do so.

Published May 4, 1999.

4018CB-11



ssociates, Inc

Inc. (503)682-2450 (503)682-4018 Fax

Consulting Engineers & Surveyors

May 19, 1999

Vannie Nguyen City of Tigard 13125 SW Hall Blvd. Tigard, OR 97223

Re: 69th Avenue Reconstruction LID

Dear Vannie:

Written sealed bids were received by the Engineering Department, City of Tigard, 13125 SW Hall Boulevard, Tigard, Oregon 97223 until 2:00 o'clock p.m., May 18, 1999, at which time they were publicly opened and read.

Ten bids were received as follow:

1.	W.A. Jones Co.	\$ 832,341.70
2.	Coffman Excavation, Inc.	833,966.50
3.	Northwest Barthmovers, Inc.	855,859.30
	Emerald Tower, Inc.	879,117.99
<b>5</b> .	D & D Concrete & Utilities, Inc.	940,980.00
6.	Three Dimensional Contracting, Inc.	974,552.50
	The Saunders Company, Inc.	1,033,818.70
8.	Eagle Elsner, Inc.	1,035,266.90
	Kerr Contractors, Inc.	1,037,153.00
10.	P. Miller & Sons Contractors, Inc.	1,152,333.10

The Engineer's Estimate was \$813,597.75

A tabulation of bids is attached.

We recommend the contract award be made to W.A. Jones Co. in the amount of \$832,341.70.

Sincerely,

Marlin J. Dellaas, P.E., P.L.S.

President

œ: 98.189.118

Attachments

MJD/lo

189ltr.M20

June 17, 1999



Warren A. Jones W. A. Jones, Company 11270 SW Clay Street Sherwood, Oregon 97140

# **NOTICE TO PROCEED**

## 69th Avenue Reconstruction LID

The contract documents for the above contracts were received by us in complete form.

You are hereby notified to proceed with the work required under the contract. The date for official completion of all schedules except Schedule F is Thursday, September 30, 1999; and the date for official completion of Schedule F is Monday, November 1, 1999.

A fully executed copy of the contract document for the project is enclosed.

Sincerely,

Vannie T. Nguyen, P.E.

**Engineering Manager** 

C: Marlin J. De Haas

i.1eng/99cip/69th/ntp - w.a. jones.doc

### DE HAAS & ASSOCIATES, INC.

Suite 300 - AGC Center 9450 SW Commerce Circle Wilsonville, Oregon. 97070

## CERTIFICATE OF

# WORK COMPLETION AND ACCEPTANCE

NAME OF PROJECT :_	69th Avenue Recor	nstruction L.I.D.
PROJECT No. :	CIP 99.07	98.189.118
computed by De H	aas & Associates, Inc. and we he aas & Associates, Inc. This firm iding the Owner herewith, a bond	completed by us in accordance with the Contract needs approve the final estimate quantities as releases the owner from any liens arising out of this contract.
Date: 1 CO O	(Signal	ature of Authorized Official)
	<u> </u>	ones Co. ame of Contracting Firm)
	11270 S	SW Clay Street
	Sherwoo	od, Oregon 97140
		(Address)
<ol><li>Work has been compl applying thereto.</li></ol>	cted on the above referenced proj	ject in accordance with terms of the contract
I recommend acceptant Contractor.  Date: 4/24/00	By: Marc	Haas & Associates, Inc.

CERT.CMP

			WORK	PROPOS	ED			WORK	COMPLE	TED		SHEET_1_OF_8_SHE	EETS
						PREV	lous	THIS	MONTH				
				UNIT	TOTAL	TOTAL	TOTAL	TOTAL	MONTH	TOTA			- 1
EM		UNIT	QUANTITY	PRICE	DOLLARS	UNITS	DOLLARS	UNITS		TOTAL	TOTAL		
	Mobilization	LS	All	\$28,619.50					DOLLARS	UNITS	DOLLARS	REMARKS	
	TP & DT	LS	All	\$1,442.00	\$1,442.00				\$0.00			<b>I</b> F	
	Erosion Control	LS	Ali	\$2,701,70	\$2,701.70				\$0.00	10070	\$1,442.00		
-4	Clearing & Grubbing	LS_	All	\$28,241.10	\$28,241.10				\$0.00		\$2,701.70		
5	Remove Existing Storm Drains (Complete	LF	77	\$9.60	\$739.20			0 0	\$0.00		\$28,241.10		
6	Remove Existing Catch Basins (Complete	EA	3	\$210.60	\$631.80		\$842.40		\$0.00		\$739.20	F	
	Remove Existing Sidewalk & Apron (Con	SF	2202	\$0.60	\$1,321.20			1 0	\$0.00		\$842.40		
- 8	Remove Existing Curb	LF	288	\$3.90	\$1,123.20			0	\$0.00	1187	\$712.20		<del> </del>
_ 9	Rework Gravel Section of 69th Ave.	LS	All	\$2,220.20	\$2,220.20	0%		0%	\$0.00	134	\$522.60	F	
10	Common Excelvation	CY	2179	\$4.20	\$9,151,80	1963	\$8,244,60	076	\$0.00	0%	\$0.00	F	$\dashv$
	Embankirlent	CY	4242	\$2.50	\$10,605.00	4162	\$10,405,00	- 8	\$0.00	1963	\$8,244.60	F	
12	Subgrade Stabilization	CY	20	\$45.70	\$914.00	82.4	\$3,765.68	- 0	\$0.00	4162	\$10,405.00	F	
13 3	V4'-0 Crushed Rock	CY	189	\$23.80	\$4,498,20	397	\$9,448.60	0	\$0.00	82.4	\$3,765.68	F	
1411	"-0 Crushed Rock	CY	1594	\$23.00	\$36,662.00	1768	\$40,664.00	0	\$0.00	397	\$9,448.60		
	Curb & Gutter	LF	4619	\$8.40	\$38,799.60	4599	\$38,631,60		\$0.00	1768	\$40,664.00	F	
16/	.C Pavement	TON	2332	\$35.00	\$81,620.00	2227.51	\$77,962.85	17	\$142.80	4616	\$38,774.40		
17 /	djust Telephone Manholes	EA	2	\$200.40	\$400.80	4	\$801.60	69.9	\$2,446.50	2297.41	\$80,409.35		$\dashv$
18 V	Vater Quality Facility	LS	All	\$13,736.40	\$13,736.40	100%	\$13,736.40	0	\$0.00	4	\$801.60	F	
19 5	urvey Monument Boxes	EA	3	\$213.00	\$639.00	5		0%	\$0.00	100%	\$13,736.40		
20 F	econstruct Parking Lot Access	LS	All	\$5,781.20	\$5,781.20	90%	\$1,065.00	0	\$0.00	5	\$1,065.00		
_21 C	ombination Stop/Street Sign	EA	. 6	\$185.30	\$1,111.80	5	\$5,203.08	10%	\$578.12	100%	\$5,781.20		
22 R	elocate Chain Link Fence	LF	475	\$10.00	\$4,750.00	181	\$926.50	0	\$0.00	5	\$926.50		
_23 R	elocate Wood Fence (Deleted)			¥10.00	\$4,750.00		\$1,810.00	0	\$0.00	181	\$1,810.00		
_24 B	lock Retaining Wall (Standard)	SF	285	\$24.70	\$7,039.50								
_25 B	ock Retaining Wall (Compac)	SF	285	\$23.20	\$6,612.00	- 0	\$0.00	0	\$0.00	0	\$0.00 F		
				₩ZJ.ZU	30,012.00	791	\$18,351.20	0	\$0.00	791	\$18,351.20 F		
C	harge Order #1 (Item #3)	LS	All	\$526.25	\$526.25	10001							_
CI	nange Order #6 (Item #2)	TON	28	\$95.00	\$2,660.00	100%	\$526.25	0%	\$0.00	100%	\$526,25 F		-1 (
				433.00	\$2,000.00	28	\$2,660.00	0	\$0.00	28	\$2,660.00		
iptotal S	Schedule A (Original Work Proposed \$289	.361.30)	i		\$292,547.55								_
					\$292,347.55		\$298,023.16		\$3,167.42	5	301,190,58		1
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26	Mobilization	LS	QUANTITY		DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	UNITS	DOLLAR	1
27	TP & DT	LS	Aii	\$16,394.60	T . U . U . U . U . U . U			0%	\$0.00			
28	Erosion Control	LS	All	\$721.00	V.21.00			0%	\$0.00	100%	7 7 . 0 , 0 0 7	
29	Clearing & Grubbing	LS	All	\$500.70	\$500.70			0%	\$0.00	100%		
30	Trench Ex. (Com) & Class A Backfill	LF	345	\$4,470.40	\$4,470.40			0%	\$0.00	100%		
31	rench Ex. (Com) & Class B Backfill	LF	1718_	\$17.00	\$5,865.00			0	\$0.00	345		
32	rench Foundation	-LF	25	\$30.10	\$51,711.80			0			\$53,638.2	00 F
33 /	C. Pavement Replacement	LF	20	\$13.50	\$337.50			0	\$0.00	.0		
34 (	HOPE PROFAASHTO M252)	LF	69	\$15.90	\$318.00			0	\$0.00	64		
35 8	MIDPE Pipe (AASHTO M252)	LF	57	\$2.40	\$165.60	82	\$196.80	0	\$0.00	· 82		
3611	O'HOPE PING YAA SHITO MOSON SEEKS	ÜF	-325	\$3.50	\$199.50	107	\$374.50	0	\$0.00	107		
37/1	27-HDPE Pape (AASHTO M294 SType S)	E -	- 323 - 760°	-\$4.20	\$1,365.00	325		0	\$0.00	325		
38 1	5" HDPE Pipe (AASHTO M294 Type S)	LF	758	\$4.80	\$3,648.00	761	\$3,652.80	0	\$0.00		\$3,652.80	0 F
39 1	8" HDPE Pipe (AASHTO M294 Type S)	LF .	23	\$7.60	\$5,760.80	758	\$5,760.80	0	\$0.00	758	\$5,760.80	o je
40/2	4" HDPF Pine (AASHTO M294 Type S)	LF.	71	\$8.70	\$200.10	23	\$200.10	0	\$0.00	23	\$200.10	
4110	atch Basins	EA	17	\$14.00	\$994.00	71	\$994.00	0	\$0.00	71	\$994.00	
42 4	8" Standard Manhole	EA	7	\$1,213.30	\$20,626.10		\$21,839.40	0	\$0.00		\$21,839.40	
43 60	O" Standard Manhole	EA	1	\$2,119.90	\$14,839.30	6	\$12,719.40	0	\$0.00	6	\$12,719.40	
_44 C	Onstruct Reveland Outfall Facilities	EA	All	\$3,473.50	\$3,473.50	2	\$6,947.00	0	\$0.00	- 3	\$6,947.00	
45]0	etention Facility	LS	All	\$4,573.40	\$4,573.40	100%	\$4,573.40	0%	\$0.00	100%	\$4,573.40	
_46 C	Onnect to Existing Manhole	EA	1	\$25,997.20	\$25,997.20	100%	\$25,997.20	0%	\$0.00		\$25,997.20	<u> </u>
47 CI	ass 100 Riprap	CY	15	\$599.50	\$599.50	1	\$599.50	0	\$0.00	100 /81	\$599.50	
	Тот приср		15	\$71.50	\$1,072.50	25	\$1,787.50	0	\$0.00	25	\$1,787.50	
CH	nange Order #1 (Item #1)	LS							¥0.00		\$1,787.50	r
CH	lange Order #1 (Item #4)		All	\$1,421.00	\$1,421.00	100%	\$1,421.00	0%	\$0.00	100%	** ***	
Ch	ange Order #1 (Item #5)	LS LS	All	\$2,833.35	\$2,833.35	100%	\$2,833.35	0%	\$0.00	100%	\$1,421.00	
Ch	ange Order #4 (Item #2)	CY	All	\$1,977.25	\$1,977.25	100%	\$1,977.25	0%	\$0.00		\$2,833.35	
	go order #4 (Heili #2)	CI	35	\$150.00	\$5,250.00	35	\$5,250.00	0	\$0.00		\$1,977.25	F
total -	Schedule B (Original Work Proposed \$1	63,833.5	0)		\$175,315.10	5	181,096.50				\$5,250.00	+
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	OUL THIS ESTIMALE	L					1			DATE	1	11270 SW Clay St.
	•	L									5	Sherwood, OR 97140
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17774		_		UNIT	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	<del> </del>
ITEM	DESCRIPTION  Mobilization	UNIT	QUANTITY	PRICE	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	REMARKS
	TP & DT	LS LS	All	\$9,494.60	\$9,494.60		\$9,494.60	0%	\$0.00	100%		I KEWAKAS
	Erosion Control	LS	All	\$1,081.50 \$774.50	\$1,081.50		\$1,081.50	0%	\$0.00	100%	\$1,081.50	
	Clearing and Grubbing	LS	All	\$915.20	\$774.50 \$915.20		\$774.50	0%	\$0.00	100%	\$774.50	
52	Remove Exist M.H. & 8" S.S.	LS	All	\$1,264.80	\$1,264.80		\$915.20 \$1,264.80	0%	\$0.00	100%	\$915.20	F
53	Trench Ex (Common) & Class B Backfill	LF	1509	\$40.50	\$61,114.50		\$1,264.80 \$61,114.50	0%	\$0.00	100%	\$1,264.80	F
54	Trench Foundation	LF	20	\$16.90	\$338.00		\$0.00	0	\$0.00	1509	40.,11.00	
55	A.C. Pavement Replacement	LF	50	\$15.90	\$795.00		\$906.30	- 0	\$0.00 \$0.00	0	\$0.00	
56	4" PVC Pipe	LF	202	\$1.70	\$343.40		\$343.40	0	\$0.00	57 202	\$906.30	
57	6 RVC Pipe	LF	232	\$2.20	\$510.40		\$510.40	o	\$0.00	232	\$343.40	F
	8 PVC Pipe	LF	1075	\$3.20	\$3,440.00		\$3,440.00	0	\$0.00	1075	\$510.40 \$3,440.00	1
59	Tees & Wyes	EA	6	\$80.50	\$483.00		\$724.50	0	\$0.00	9	\$724.50	E .
	nserta Tees	EA	3	\$137.10	\$411.30		\$274.20	0	\$0.00	2	\$274.20	
62	48" Standard Manhole Connect to Existing Manhole	EA	5	\$2,552.80	\$12,764.00		\$12,764.00	0	\$0.00	5	\$12,764.00	
02	Connect to Existing Mannole	EA	1	\$654.70	\$654.70	1	\$654.70	0	\$0.00	1	\$654.70	
	Change Order #1 (Item #4)	LS	All	\$2.200.05	#2 200 OF	4000/					***************************************	
	Change Order #4 (Item #2)	CY	17	\$2,288.85 \$150.00	\$2,288.85 \$2,550.00	100%	\$2,288.85	0%	\$0.00	100%	\$2,288.85	F
	mange Older #4 (Item #2)		<del>''</del>	\$150.00	\$2,550.00	17	\$2,550.00	0	\$0.00	17	\$2,550.00	F
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	DESCRIPTION	UNIT	QUANTITY	PRICE	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	REMARKS
ITEM	Trench Ex (Common) & Class A Backfill	LF	148	\$18.40	\$2,723.20	0		0		0	\$0.00	
64	Trench Ex (Common) & Class B Backfill	LF	188	\$23.30	\$4,380.40	271	\$6,314.30	0		271	\$6,314.30	F
65	A.C. Pavement Replacement	LF	32	\$15.90	\$508.80	19	\$302.10	0		19		F
66	6" Ductile Iron Pipe (Class 52)	LF	336	\$9.00	\$3,024.00	271	\$2,439.00	0		271		F
67	12" x 6" Tapping Sleeves	EA	5	\$857.00	\$4,285.00	7	\$5,999.00	0		7	\$5,999.00 F	F
68	6" Tapping Valves	EA	5	\$348.30	\$1,741.50	8	\$2,786.40	0	7 3	8		
	Fire Hydrants	EA	6	\$1,477.30	\$8,863.80	5	\$7,386.50	0	\$0.00	5	\$7,386.50 F	
					20 207 45	3	\$3,027.45	0	\$0.00		20 007 15 5	
	Change Order #2 (Item #1)	EA	3	\$1,009.15	\$3,027.45	100%	\$3,027.45	0%	\$0.00	100%	\$3,027.45 F \$3,011.55 F	
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subtota	I - Schedule D (Original Work Proposed \$	25,526.7	70)		\$31,565.70		\$31,266.30		\$0.00		\$31,266.30	
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EM 70	DESCRIPTION Wheelchair Ramps	UNIT	QUANTITY 12	UNIT PRICE \$893.30	TOTAL DOLLARS	TOTAL UNITS	TOTAL DOLLARS	TOTAL Units	TOTAL DOLLARS	TOTAL	TOTAL	REMA
71	4" Concrete Sidewalk	SF	24,660	\$3.20	\$10,719.60 \$78,912.00	12 27861	\$10,719.60 \$89,155.20	1	\$893.30		\$11,612.90	T.C.IIIA
72	6" Concrete Sidewalk & Apron	SF	3478	\$3.90	\$13,564,20		\$18,505,50	424 212	* 1,000.00			
						1	¥10,505.50		\$826.80	4957	\$19,332.30	
	Change Order #5 (Ilem #1)	EA	12	\$665.15	\$7,981.80	12	\$7,981.80	0	\$0.00	12	\$7,981.80	ļ
	Change Order #6 (Item #1) Change Order #7 (Item #1)	LS SF	All 266	\$1,424.00	\$1,424.00	100%	\$1,424.00	0%		100%		F
F		- Sr	206	\$4.62	\$1,228.92	× 0	\$0.00	266	\$1,228.92	266	\$1,228.92	
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	- Schedule E (Original Work Proposed	\$103,195.8	30)		\$113,830.52	<del> </del>	\$127,786.10		<b>\$</b> 4,305.82	ş	132,091.92	
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73	Street Trees (2-1/2" Caliper)		T EA	180	\$287.50	\$51,750.0	0 124	\$35,650.00	0	\$0.00		\$35,650.00		<u>72</u>
74	Street Trees (3-1/2" Caliper)		EA	8	\$774.10	\$6,192.8	0 6	\$4,644.60	0	¥0.00	6			
_/5	Barkdust		1000SF	19	\$270.90	\$5,147.10	0 16	\$4,334.40	-2	(\$541.80	14	\$3,792.60	Adjustment to 1000s	SE coverna
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btotal	Schedule F (Original Work Pr	oposed \$63	,089.90)			\$63,089.90		\$44,629.00		(\$541.80)		<b>\$</b> 44,087.20		
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		i —		UNIT	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	
	DESCRIPTION	UNIT	QUANTITY	PRICE	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS	REMARKS
TEM	Mobilization DESCRIPTION	LS	All	\$6,113.70	\$6,113.70		\$6,113.70	0%	\$0.00	100%		
	TP & DT	LS	All	\$540.70	\$540.70	100%	\$540.70	0%	\$0.00	100%		
	Erosion Control	LS	All	\$384.60	\$384.60	100%	\$384.60	0%	\$0.00	100%		
	Clearing & Grubbing	LS	All	\$1,372.80	\$1,372.80	100%	\$1,372.80	0%	\$0.00	100%		
	Trench Ex. & Backfill	LF	3275	\$5.90	\$19,322.50	4147	\$24,467.30	0	\$0.00	4147	\$24,467.30	F
	2" Schecule 40 PVC	LF	160	\$0.60	\$96.00	160	\$96.00	0	\$0.00	160		
	4" Schedule 40 PVC	LF	3115	\$1.40	\$4,361.00		\$5,805.80	0	\$0.00	4147	\$5,805.80	F
	660 LA Vauits	EA	9		\$20,063.70	9		0	\$0.00		\$20,063.70	
84	4242 Pad Vault	EA	3	\$718.10	\$2,154.30	3	\$2,154.30	0	\$0.00	3		
85	6'x 6' Concrete Transformer Pad	EA	1	\$587.70	\$587.70	1	\$587.70	0	\$0.00	1	\$587.70	F
86	A.C. Pavement Replacement	LF.	352	\$15.90	\$5,596.80		\$12,386.10	0	\$0.00		\$12,386.10	F
87	Concrete Sidewalk Replacement (complete	SF	125	\$4.70	\$587.50	539	\$2,533.30	0	\$0.00	539	\$2,533.30	F
					24.040.00	<u> </u>	\$1,016.80		\$0.00		64.040.00	
	Change Order #2 (Item #3)	EA	2	\$508.40	\$1,016.80	100%	\$6,637.10	0%	\$0.00		\$1,016.80	F
	Change Order #2 (Item #4)	LS	All	\$6,637.10	\$6,637.10 \$995.00	100%	\$995.00	0 0	\$0.00	100%	\$6,637.10 \$995.00	<u>-</u>
	Change Order #4 (Item #1)	EA	2	\$497.50	\$1,200.00	8		0	\$0.00	2	\$1,200.00	
	Change Order #4 (Item #2)	CY	8	\$150.00	\$1,200.00		\$1,200.00		\$0.00	- 0	\$1,200.00	r .
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ubtotal	Schedule G (Original Work Proposed \$61	,181.30)			\$71,030.20		\$86,354.90		\$0.00		\$86,354.90	
			000 4046 5	AVMACAUTO		COTHALTC N	10		AVMONT COO	100.44	2022	20117010700
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1		i		UNIT	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL		
rem	DESCRIPTION	UNIT	CUANTITY	PRICE	DOLLARS	UNITS	DOLLARS	UNITS	DOLLARS		TOTAL	
	Construct New Catch Basin & Lateral	LS	All	\$4,533.60	\$4,533.60	100%	\$4,533,60			UNITS	DOLLARS	REMARKS
	Replace Wheelchair Ramp	LS	Ail	\$945.90	\$945.90	100%	\$945.90	0%	40.00	100%	V 1,000.00	F
90	Demolition of House at Beveland (Deleted)						<u> </u>	0 78	\$0.00	100%	\$945.90	
	200 Watt Street Lights	EA	14	\$995.20	\$13,932.80	14	\$13,932.80	0	\$0.00			
	1324-18 J Boxes	EA	14	\$199.00	\$2,786.00	14	\$2,786.00	0	\$0.00	14	V.0,002.00 I	
	2-1/2" Schedule 40 PVC	LF	2120	\$0.70	\$1,484.00	2344	\$1,640.80	0	\$0.00	14		
	Trench Excavation & Backfill for Lighting	LF	210	\$5.90	\$1,239.00	198	\$1,168.20	0	\$0.00	2344	V 170 10.00 H	
	in addition to that required for power)							<del></del>	\$0.00	198	\$1,168.20 F	
	French Excavation & Backfill for Underground	LS	All	\$5,865.60	\$5,865.60	100%	\$5,865.60	0%	60.00			
	Conversions, 12170, 12190 & 12300							- 7/8	\$0.00	100%	\$5,865.60 F	
	SW 69th Avenue.											
	LC. Pavement Replacement	LF	46	\$15.90	\$731.40	10	\$159.00	0				
_97K	Concrete Sidewalk Replacement	SF	50	\$5.00	\$250.00	216	\$1,080.00	0	\$0.00 \$0.00	10	\$159.00 F	
	· · · · · · · · · · · · · · · · · · ·								\$0.00	216	\$1,080.00	
	Change Order #1 (Item #2)	_LS	All	\$6,185.00	\$6,185.00	100%	\$6,185.00	0%	\$0.00			
K	hange Order #3 (Item #1)	LS	All	\$17,986.45	\$17,986.45	100%	\$17,986.45	0%	\$0.00	100%	\$6,185.00 F	
							12.1-2.1.4	- 0.78	\$0.00	100%	\$17,986.45 F	
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PIOIG	- Schedule H (Original Work Proposed \$31,768	.30)			\$55,939.75		\$56,283.35		\$0.00			
otal AI	Schedules (Original Work Proposed \$832,341.	70)			\$902,542.47		924,540.76		\$6,931.44		\$56,283.35	
OTAL	411011112	_							\$0,931.44		931,472.20	
CCCO	AMOUNT EARNED \$931,472.20		PREVIOUS PA		E	STIMATE N	D10	PΛ	VMENT DEDIC			
E 22 K	ETAINAGE 0% \$0.00	Įξ	ST. NO.	AMOUNTS					YMENT PERIC	10 March, 20		NTRACTOR
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			9	\$38,513.79								

AGENDA ITEM #	
FOR AGENDA OF	March 26, 2002

## CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Engineering Department Overview								
PREPARED BY: A.P. Duenas DEPT HEAD OK CITY MGR OK								
ISSUE BEFORE THE COUNCIL								
Informational briefing to provide an overview of the Engineering Department, including overall responsibilities, accomplishments during the past year, and goals and objectives for the next few years.								
STAFF RECOMMENDATION								
Informational Briefing. No Council action required.								

## INFORMATION SUMMARY

The Engineering Department designs and constructs capital improvement projects, provides review of proposed private development projects, and inspection of public improvements performed by private developers to ensure compliance with City standards. The Department is directed by the City Engineer and is composed of a Capital Improvement Program Division, a Development Review Division, and staff support for storm and sanitary sewer projects and administration. Attached is an organizational chart showing the structure of the Department.

The Capital Improvement Program Division is managed by an Engineering Manager. This Division manages the capital improvement program for public streets and utilities and prepares facilities plans for future improvement needs. The Development Review Division is likewise managed by an Engineering Manager. This Division provides technical review and issues permits for proposed private development projects, provides inspections on the public improvements constructed through these developments, and maintains records relating to these public facilities.

In addition, the Engineering Department provides engineering support to the other City departments as needed. The Development Review Division works in close coordination with the Community Development Department in the review of proposed new developments in the City and in the Urban Services Area. The Capital Improvement Program Division works with other departments in the development of the capital improvement projects for parks, water, storm and sanitary sewer improvements.

The Engineering Department strives to support and achieve Council goals each calendar year. The City Engineer stays abreast of regional issues, participates in the Washington County Coordinating Committee Transportation Advisory Committee, attends Metro's Transportation Policy Advisory Committee meetings whenever possible, and submits projects for funding whenever Federal or state funding becomes available for various projects. The City

Engineer is likewise coordinating the efforts of the Transportation Financing Strategies Task Force to evaluate and develop alternative sources of funding for transportation-related projects.

The attached memorandum dated February 11, 2002 summarizes the Engineering Department's significant accomplishments during the past year and describes some of the key overall goals for the next few years.

## OTHER ALTERNATIVES CONSIDERED

N/A

## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

## ATTACHMENT LIST

- 1. Engineering Department Organizational Chart
- 2. Memorandum dated February 11, 2002 summarizing the Engineering Department's accomplishments and goals
- 3. Copies of PowerPoint slides to be used during the City Council meeting staff presentation.

## FISCAL NOTES

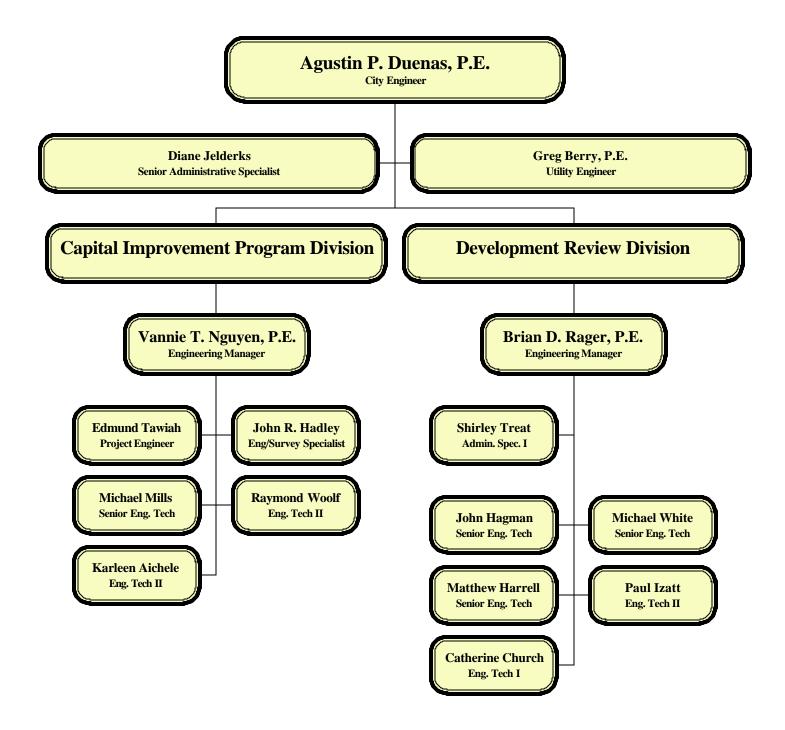
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## City of Tigard

## **Engineering Department**







## **MEMORANDUM**

## **CITY OF TIGARD**

13125 SW Hall Blvd. Tigard, OR 97223 Phone 503-639-4171 Fax: 503-624-0752

**TO**: Mayor and City Councilors

Bill Monahan, City Manager

**FROM**: Gus Duenas

City Engineer

**DATE**: February 11, 2002

**SUBJECT**: Engineering Department Overview

Highlights of Accomplishments and Goals

The Engineering Department has been involved in a wide variety of activities during the past year. Some of the highlights include the following:

- Establishment of the Transportation Financing Strategies Task Force to evaluate and develop
  alternative sources of funding for both maintenance of the City street infrastructure and
  expansion of the collector system to meet current and future transportation demands. This
  Task Force has been meeting during the past year and is now evaluating the feasibility of
  implementing a Street Maintenance Fee for preventative and corrective maintenance of City
  streets. The Task Force is continuing to review potential sources of funds for street expansion
  projects.
- Participation in the public process leading to the adoption of the Transportation System Plan. This plan, which was adopted by City Council in the January 8, 2002 Council meeting, provides the much needed transportation-related improvements for the next 20 to 30 years and serves as the blueprint for making transportation project choices for the coming years.
- Construction of the Gaarde Street Phase 1 Improvements from Quail Hollow-West to Walnut and continuation of pavement maintenance through pavement overlays and slurry seals.

- Reviewed the plans, issued permits for, and inspected the public improvements on such major subdivision projects as Quail Hollow-West, Pacific Crest, Erickson Heights, etc.
- Assisted in the development of the New Tigard Library concept plan and helped develop the site plan for use in various meetings and public displays leading to the proposed bond issue coming before the voters in May 2002.

The following in more specific detail are the major accomplishments of the Engineering Department during calendar year 2001 and the first month in 2002:

## Accomplishments

## **Capital Improvement Program**

## **Street Projects**

Gaarde Street Improvements: Gaarde Street is a major collector providing a key east-west connection from Highway 99W to Walnut Street, then along Walnut Street and Barrows Road to Beaverton. The project to improve Gaarde Street and provide a continuous, upgraded connection from Highway 99W to Walnut Street is divided into two phases. Phase 1 is the construction of a new segment of Gaarde Street extending north from the Quail Hollow-West Subdivision to Walnut Street. Phase 2 is the reconstruction and widening of Gaarde Street from Highway 99w to 121st Avenue.

- Gaarde Street Phase 1 (between Walnut Street and the northerly boundary of the Quail Hollow Subdivision): Construction of this phase began in August 2000 and was completed August 2001. Because of the extensive undergrounding utility work involved, construction of this project took longer than anticipated. The new Gaarde Street Extension was used as a detour route during the period the Walnut/121<sup>st</sup> intersection was closed for construction. However, the signalized intersection at Gaarde and Walnut Street was only partially operational until July 2001 when the Walnut/121<sup>st</sup> intersection was again opened for traffic. The entire project is now completed with the signal system at Gaarde/Walnut Street now fully operational.
- Gaarde Street Phase 2 (between 121<sup>st</sup> Avenue and Hwy 99W): This project is being designed by an engineering consultant and is approximately 80% complete. In addition to street widening, this project also includes installation of a new traffic signal at the Gaarde Street/121<sup>st</sup> Avenue intersection and improvement to the 121<sup>st</sup> Avenue approach north of the intersection. This project will be advertisement for bids in March 2002 to permit construction to begin in May of next year.

**Pavement Major Maintenance Program (PMMP):** The PMMP is an annual program of corrective and preventive maintenance on all paved streets in the City. In the year 2000, the City's Pavement Management System identified a backlog of \$2,000,000 in corrective overlay, repairs, and slurry seals. Approximately \$500,000 of this backlog is in streets that are candidates for reconstruction and widening during the next few years. However approximately \$500,000 in

pavement overlays and \$1,000,000 in slurry seals are required in local streets that are not programmed as part of any major project. Because of limited funding, only a few streets from the long list were addressed this year. Streets that received a combination of pavement inlay and slurry seal treatment or just slurry seal treatment include:

- Kable Street (between Naeve Street and 103<sup>rd</sup> Avenue)
- 121<sup>st</sup> Avenue and North Dakota Street (between Scholls Ferry Road and Springwood Drive)
- Ash Street (between Scoffins and Commercial Street)
- Meadow Street (east of Tiedeman Avenue)

There were approximately 8,500 square yards of asphaltic concrete (AC) overlay and 10,500 square yards of slurry seal placed on these streets. Eagle Elsner, Inc. began construction in mid-September 2001 and completed the work in late November 2001.

**Street Striping Program:** This is a program to re-stripe City streets that require re-delineation for safety and proper channelization of traffic. Two striping projects were completed in 2001: the *FY 2000-01 Street Striping - Phase 2* project that includes Gaarde Street (between the Quail Hollow subdivision and 121<sup>st</sup> Avenue) and the *FY 2001-02 Street Striping* project that includes Walnut Street (between Barrow Road and Wilton Avenue), Gaarde Street (between 121<sup>st</sup> Avenue and 110<sup>th</sup> Avenue) and the Dartmouth Street /72<sup>nd</sup> Avenue intersection. Approximately 21,000 feet of striping was applied on these streets. The first project was installed by Apply-A-Line Inc. The second was installed by Specialized Pavement Markings, Inc. This company began the work in early December and has most of it completed. The punch list items will be completed in January 2002.

**Traffic Calming Program:** This program installs traffic-calming devices on minor collector and residential streets to reduce traffic speeds and volume. This year's program installed 12 speed humps on Ann Street, Commercial Street, Fonner Street, Summerfield Drive, Kable Street and Sattler Road. The program will install 2 more humps on Kable Street and 4 more humps on Spruce Street in early spring of next year to finish this fiscal year's program. The streets currently proposed for traffic-calming devices in FY 2002-03 will be installed during the summer months of 2002. These streets include 130<sup>th</sup> Avenue, 100<sup>th</sup> Avenue and Park Street.

**Lincoln Street Improvement:** The widening of Lincoln Street between Greenburg Road and Commercial Street is a Community Development Block Grant (CDBG) project. Construction of this project was divided into 2 phases: the first phase which improved the west side of the street was completed in July of last year, the second phase which widened the street on the east side was completed by Mountain Excavating, Inc. in August of this year.

121<sup>st</sup> Avenue and Walnut Street Intersection: This project widened the intersection to the ultimate width of a major collector, upgraded the existing drainage and water systems, placed the existing utilities underground, installed new sanitary sewer, and installed a traffic signal at the intersection. The project design and construction inspection were administered by Washington County. Through Intergovernmental Agreement with Washington County, the City provided funds to construct the sanitary sewer extensions, upgrade the water lines, and extend the drainage system

beyond the project limits. Kerr Contractors, Inc. began the work in February and completed the work in November of this year.

**Embedded Crosswalk Lights:** The pilot program for the Embedded Crosswalk Lights began in FY 1999-2000. Since then, lighted crosswalks have been installed at three locations: 121<sup>st</sup> Avenue (at Katherine/Lynn Street), Walnut Street (at Grant Avenue), and Main Street (at the existing bridge). The lighted crosswalk on 121<sup>st</sup> Avenue (at Springwood Drive) authorized under the FY 2001-02 Capital Improvement Program is currently under construction. Because of delay in the delivery of construction materials, the project completion date is extended from November 2001 to mid-January 2002.

**Dartmouth Street Improvement:** This project widened approximately 150 feet of Dartmouth Street just south of Costco's driveway. Included in the improvements are the construction of new curb and sidewalk, extension of 2 existing culverts and installation of street trees. The low bidder, Oregon Siteworks, completed the work in 2 months between May and July 2001.

## **Sanitary Sewer Projects**

**Neighborhood Sewer Extension Program:** This program extends sanitary sewer service into residential neighborhoods. The City initiates and completes the sewer extensions, then recoups the total cost of the design and construction via creation of a reimbursement district. As residents connect to the new sewer line, they have to pay their proportionate share of the cost of the line, plus the normal connection fee.

Three reimbursement districts were constructed this year and 39 houses were included in these districts:

- Walnut Street and 121<sup>st</sup> Avenue Intersection: 24 services were provided for this district. Construction of this project was combined with the Walnut Street and 121<sup>st</sup> Avenue intersection improvement project that was administered by Washington County. Kerr Contractors, Inc. began the work in February 2001 and completed the sanitary sewer work in November of this year.
- Rose Vista Drive: This district project extended the main line across SW 118th Avenue, then across two residential lots before reaching SW Rose Vista Drive. The line serves 14 properties along SW Rose Vista Drive. Two easements had to be purchased for the construction. Excel Excavation, Inc. began construction in May and completed the work in August 2001.
- **Hunziker Street:** This project was constructed by C.R. Woods Trucking, Inc. between March and April of this year. This district provided one service connection to a commercial property.

**Citywide Sewer Extension program**: During a presentation to City Council on October 19, 2000, the Engineering Department proposed a 5-year program to systematically extend sanitary sewers to all developed but unserved areas Citywide. Council agreed with the

proposed 5-year plan and approved funding for the first year of that plan as part of the FY 2001-02 Capital Improvement Program Budget.

Ash Avenue and Burnham Street Sanitary Sewer Improvements: This project upsized the existing sanitary sewer line to alleviate surcharging problems during the winter months. The new line begins at Ash Street, proceeds west on Burnham Street, turns north into an easement inside private property, goes under the railroad tracks and connects to an existing line in Commercial Street. APC Underground, Inc. began the work in November of 2000 and completed the work in May 2001.

Greenburg Road and Oak Street Sanitary Sewer Repair: A TV inspection report prepared by the City indicates that about 30 feet of the main sanitary sewer pipe located in the parking lot of Casa Lupita Restaurant by Greenburg Road was seriously damaged. To prevent possible overflows and sewage backups to the restaurant and other surrounding businesses, this section of pipe was removed and replaced with a new pipe. This work was completed by Wystan Brown, Inc. in September 2001.

## **Storm Drainage Projects**

**Washington Square Storm Runoff Pretreatment:** This project removes pollutants from the Washington Square surface water runoff and is designated as a high priority project by the *Fanno Creek Watershed Management Plan* adopted by Clean Water Services (CWS) in November 1997. The scope of work includes installation of a manufactured treatment unit to receive and partially treat the flows from two culverts crossing Highway 217, which drain most of Washington Square. The treated flows continue in a ditch to Fanno Creek. Canby Excavating installed the treatment unit in June 2001.

**Kable Street Storm Drainage Improvements:** This project replaced the existing storm drain pipe in Kable Street between 103<sup>rd</sup> and 100<sup>th</sup> Avenue with a larger pipe. The existing 12-inch pipe was undersized and incapable of receiving the entire amount of storm water from the surrounding area. D&A Contractors, Inc. began the work in May 2001 and completed the work in August after 3 months of construction.

## **Miscellaneous Projects**

Fanno Creek Trails - Segment 3 (from Tiedeman to Woodard Park): This pedestrian walkway has been included, along with other trail projects, in the Parks System Program since FY 1998-99. Since July 1998, 5 trail segments, including Segment 3, have been constructed. Trail segment 3 runs in 2 directions: in an easterly direction that connects Tiedeman Avenue with Katherine Street and in a southerly direction that begins from Katherine Street, meanders through Woodard Park, and ends at the existing bridge by Johnson Street. There are approximately 1,900 feet of walkway constructed for the Segment 3 project and 5,200 feet of walkway for all 5 segments.

Tri Mountain Excavating, Inc. began construction in mid-September and completed the work in mid-November. The trail has been opened for public.

**85**<sup>th</sup> **Avenue Access Road:** This access road begins from the southerly end of 85<sup>th</sup> Avenue, crosses the Clean Water Services (CWS) property, and ends at Cook Park. This project is part of the Cook Park Expansion project. However, the access road was designed by the Engineering Department while the expansion of the park was designed by a consultant. The access road is approximately 12 feet wide by 1,300 feet long and was completed as part of the park expansion by Northwest Earthmovers, Inc. in December 2001.

**Streetlight Pole Refurbishment:** The scope of work included sanding rusted poles, pole bases and mast arms, and using electrostatic force to apply primer and exterior coating to each pole. There were 68 poles painted by Electro-Static Refinishers, Inc. and Ruffin Construction, Inc. These poles are located on Summerfield Drive, Alderbrook Drive and other local streets west of 98<sup>th</sup> Avenue and north of Durham Road.

## **Survey projects**

Topographic survey work and construction staking for in-house design projects were performed throughout the calendar year. Other survey projects include the following:

- Right-of-way survey Commercial Street (95<sup>th</sup> Avenue to Main Street).
- Lot line adjustment Lund property.
- Locate property lines where trees may need to be removed (7 times).
- Review 13 partition plats, 11 subdivision plats and various legal descriptions for Private Development projects.
- Establish 3 new Benchmarks with brass disc and elevations.
- Parking lot staking for the Balloon festival.
- Right-of-way descriptions Gaarde Street Improvements (Phase 1), Walnut Street/Tiedeman Avenue Intersection Realignment and North Dakota Street Improvements.

## **Private Development Review**

## General

**Update on New Timekeeping System:** The Division purchased and installed new timekeeping software to track staff time on public improvement permits. This ties in with the cost recovery fee structure that was approved by the City Council in February 1999. Detailed reports are being produced on each project that shows the hours worked by staff members. The Division is in the process of making refinements to the program so that the reports are easier for general staff to understand.

## **Construction Activity**

**Permits Issued:** As of December 2001, the Engineering Department processed 90 new permits, of which 80 have thus far been issued. Of the permits issued, 58 were Street Opening Permits (for minor work in the right-of-way) within the Tigard city limits, 6 were Street Opening Permits within the Urban Services Boundary (USB), 12 were for larger projects (street improvements, main utility line extensions, subdivisions, etc.) within the Tigard city limits, and 3 were for larger

projects within the USB. The larger projects within the City will comprise approximately 1.7 million dollars in public improvements, while the larger project within the USB will comprise approximately 1.6 million dollars in public improvements.

**Construction Highlights:** There were a mixture of single-family subdivisions and commercial projects this past year that have contributed, or will contribute, additional public improvements in the City this year and into next year.

## **Pacific Crest**

This project currently lies within the USB and is north of SW Bull Mountain Road, south of SW Fern Street, west of SW Essex Drive. The project will consist of 65 single-family detached homes and will include the westerly extension of SW Mistletoe Drive, and an easterly extension of SW Catalina Drive. Construction of the public improvements began in September 2001, and is scheduled to be completed Spring 2002.

## **Quail Hollow-South**

This project is within the City limits and is east of and adjacent to SW Greenfield Drive and south of and adjacent to SW Gaarde Street. The project features 60 single-family attached lots and will be an extension of the Brownstone Homes development in Quail Hollow West. Construction of the public improvements began in September 2001, and the improvements are nearing substantial completion.

## **Other Accomplishments**

- City Council, through Resolution No. 01-06, formed the Transportation Financing Strategies Task Force to evaluate alternative sources of funds for transportation-related improvements and make recommendations to City Council for implementation. At the August 28, 2001 Council meeting, the Task Force recommended approval for a Street Maintenance Fee Study. The study was authorized by Council and has been ongoing for the past five months. The initial findings of the study were reported to the Task Force at the January 17, 2002 meeting for review and discussion. The draft report is scheduled to be presented to the Task Force on February 21, 2002, and is scheduled to be presented to Council at the March 19, 2002 City Council workshop meeting.
- The Transportation System Plan (TSP) had been going through the public process for adoption for over a year. The Engineering Department funded the TSP Update Study through the Capital Improvement Program. The City Engineer had been involved in the process of TSP development from the beginning of the study to its submittal to City Council for review and approval. A workshop session with City Council was held in November 2001 to review the TSP prior to adoption. Council adopted the TSP at its meeting on January 8, 2002.
- The Priorities 2002 process provided the City with an opportunity to submit projects for Federal funding through the Metro approval process. The City submitted the Greenburg Road project from Washington Square Drive to Tiedeman Avenue for rights-of way acquisition and partial construction. The project was approved for rights-of way acquisition only. That project is now approved for both preliminary engineering (Priorities 2000) and rights-of-way acquisition. The project agreement with Oregon Department of Transportation (ODOT) for

preliminary engineering is now being developed by ODOT and will be submitted to City Council for approval within the next few months.

## Goals

## • Transportation Funding

Continue working with the Transportation Financing Strategies Task Force to identify and develop alternative funding sources for preventative maintenance and reconstruction and widening of major streets.

Prepare the Street Maintenance Fee Study for Council consideration and possible implementation.

## • New Library Construction Committee

Continue to provide assistance to the Library Director and the Committee as needed to keep the new library process moving forward. Provide information necessary for the purchase of the selected site. Continue working with the property owner to ensure that the Wall Street Extension project moves forward such that the property for the new library can be purchased. Participate in the consultant selection for design and in the design review process.

## • Citywide Sewer Extension Program

Continue implementation of the 5-year Citywide Sewer Extension Program by initiating design projects for construction during the remainder of the fiscal year, and by selecting projects for incorporation in the next fiscal year's Capital Improvement Program.

## • Comprehensive Public Facility Plan

Continue to prepare the components of the Public Facility Plan and bring them to Planning Commission and City Council for approval in accordance with the updated work plans.

## • Continue to Develop and Implement the Annual Capital Improvement Program

## • Continue Private Development Review Process and Inspection of Public Improvements Constructed by Private Development

## • **Bull Mountain Annexation Evaluation**

Continue to support the Bull Mountain Annexation evaluation by providing information and by assisting the Community Development Director in whatever manner necessary to provide all essential information to City Council for discussion and direction. Followup on Council direction in support of whatever decision is reached regarding the potential annexation.

## • Citywide Vision Support

Continue to support the Tigard Beyond Tomorrow process. Review and update the action plans for the Transportation and Traffic element of the process. Coordinate with the other target areas to ensure that the goals, strategies and action plans are in harmony with those in the Transportation and Traffic target area.

## • Citizen Involvement

Continue to stress the need to provide timely information to citizens. Provide opportunities for citizens to provide input and communicate with us on a wide variety of issues. Continue to effectively use the City's web page to provide up-to-date information regarding Engineering Department activities. Continue to publicize significant accomplishments through the web and through dedication ceremonies.

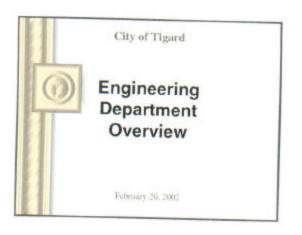
## • Summerlake Enhancement

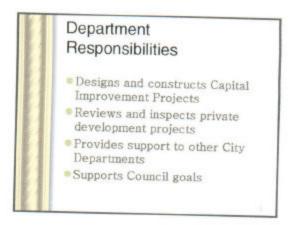
Followup with additional studies to determine feasibility of the concept plan proposed by the Summer Lake study consultant. Incorporate any necessary outside consultant assistance in the formulation of next fiscal year's Capital Improvement Program.

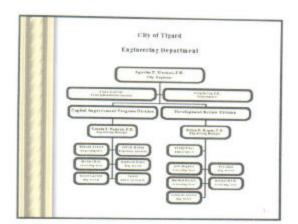
## • Regional Meetings

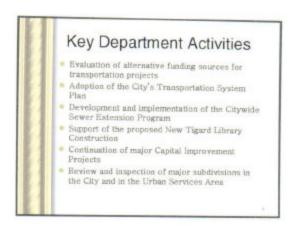
Increase Tigard's presence in regional matters through attendance at the Washington County Transportation Advisory and Coordinating Committee meetings. Attend the Metro Transportation Policy Alternatives Committee (TPAC) meetings to the maximum extent possible to stay abreast of decisions made at that level, and to make Tigard's presence felt in those meetings.

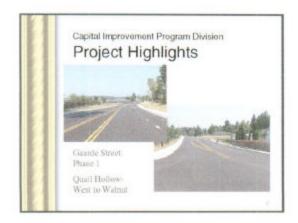
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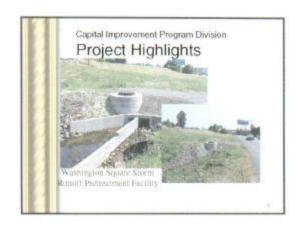


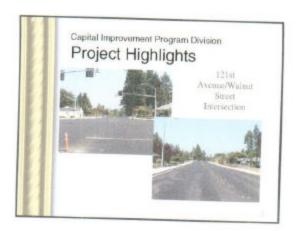


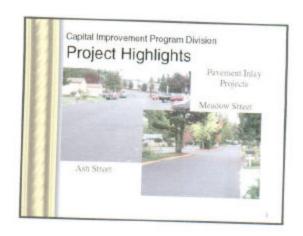


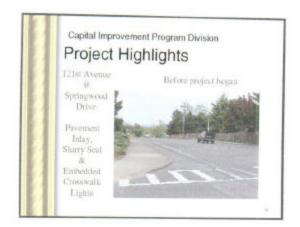


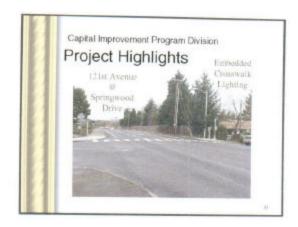


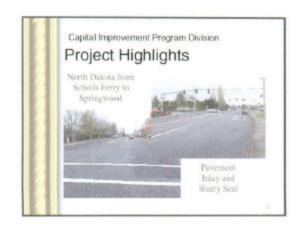


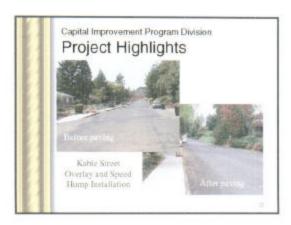


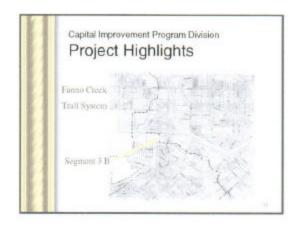


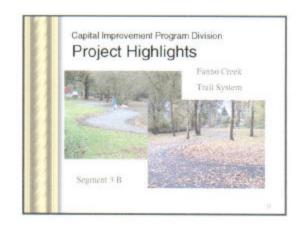






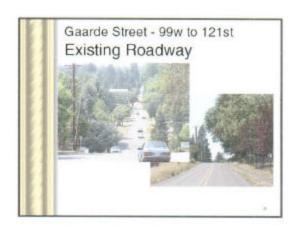






## Upcoming Projects Gaarde Street - 99W to 121st

- Existing Conditions
  - Narrow, two-lane facility
  - No defined shoulders
- Proposed Improvements
  - Three-lane facility
  - Bike lanes on both sides
  - · Sidewalks on both sides
  - Streetlights



## Gaarde Street - 99w to 121st Project Status

- Project design 70% completed
- Land acquisition currently underway
- Implementation
  - Advertise for bids late 2002
  - Utility undergrounding in the spring 2003
  - Road work to follow in summer and fall

with OD

- Execute Intergovernmental Agreement with ODOT in next few months
- Consultant selection and project design to follow

Federally funded project under TEA-

Upcoming Projects
Greenburg Road Improvements

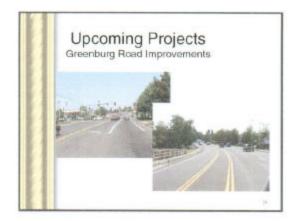
· Widening of Greenburg Road

Project Status

(Washington Square Drive to

Tiedeman Avenue) to 5 lanes

#







Walnut Street
and 121st Avenue (Design Only)

Project Status
Design in early 2002
Completed projects will be ready for any future funding opportunities
Project implementation contingent upon availability of funding

## Citywide Sewer Extension Program

- Established a five year program to provide sewer service to all residential areas within the City
- Uses City-initiated reimbursement districts
- Includes an enhanced incentive program to encourage residents to connect

## Reimbursement Districts

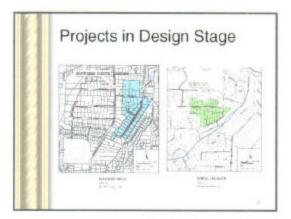
- City installs a line and sets a reimbursement fee
- Owner pays the reimbursement fee at time of connection
- No obligation to connect or pay fees until connection

## Reimbursement Districts

- Reimbursement Fee- limited to \$6,000 (up to \$15,000) for owners connecting within three years
- Connection Fee- currently \$2,335
- Plumbing required to connect house to sewer

## Project Schedule

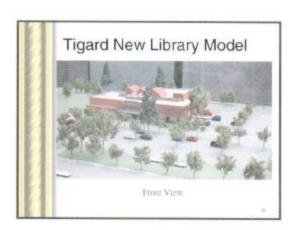
- Prioritization of projects over a 5year period
- Initial priorities based on cost per connection
- May be revised based on various criteria
  - Basements required
  - Street construction programmed
  - Lot owner interest
  - · Health hazards identified

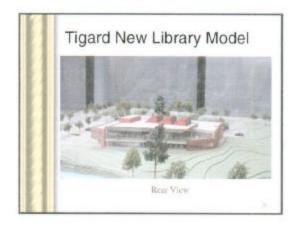


## Tigard New Library Construction

- Construction Committee is guiding conceptual design process
- New library details
  - 47,000 square feet
  - two story building
  - Site selected is east of Hall Blvd near City Hall
- Model available for viewing at the existing library

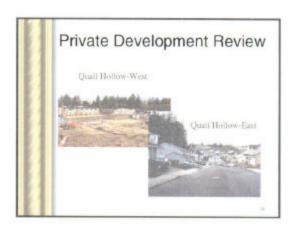
Proposed Library Site

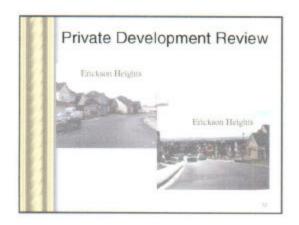


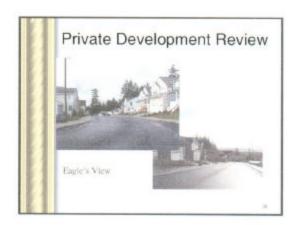


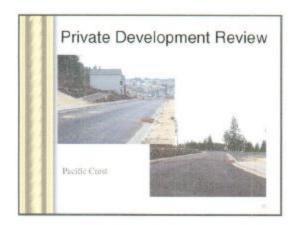


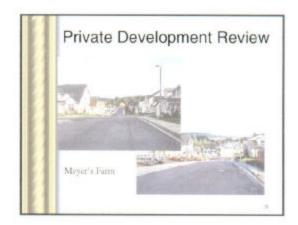
## Private Development Review Major Subdivision Projects Quail Hollow-West Quail Hollow-East Pacific Crest Subdivision Erickson Heights Subdivision Quail Hollow-South Meyer's Farm Elkhorn Ridge

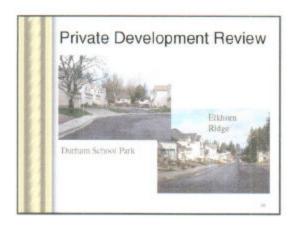






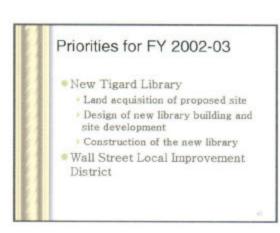






# Priorities for FY 2002-03 Gaarde Street Improvements Phase 2 Construction Evaluate and develop alternative funding sources for maintenance and major street improvements Additional traffic calming measures Continue the Citywide Sewer Extension Program

## Priorities for FY 2002-03 Storm and sanitary system repairs Continuation of Parks Projects Land acquisition for new pathways Additional water system improvements



## Funding Issues

- Lack of funding for preventative and corrective payement maintenance
  - FY 2001-02 provided \$207,000 for all streets-related work
  - State Gas Tax will not be a viable option in one or two more years
- Alternative funding sources for maintenance will have to be established in the next two years

## Funding Issues

- The Traffic Impact Fee (TIF) funds can only finance one major project each year
- The TIF will diminish as development slows
- Other funding sources are needed to accelerate needed major street improvement projects

## What is the City Doing About it?

- Transportation Financing Strategies Task Force formed by City Council
  - Evaluate reasons for failure of November 2000 bond measure
  - Determine funding strategies for Corrective and preventative maintenance of City Streets
    - Reconstruction and widening of collector streets to meet current and future traffic demands

## What is the City Doing About it?

- Task Force actions to date
  - Recommended initiation of a Street Maintenance Fee Study
  - Reviewed draft Street Maintenance Fee report on February 21, 2002
  - Workshop with Council on March 19th
  - · Continues to meet to evaluate alternative funding sources

## **Unfunded Projects**

- 121st Avenue (Walnut to North Dakota)
- Walnut Street (Tiedeman to 121st)
- 121st Avenue (Gaarde to Walnut)
- Burnham Street (Main Street to Hall)
- Fonner Street (Walnut to 115th)
- Tigard Street (South Side-Main to Tiedeman)

City of Tigard Engineering Department Overview February 26, 2002

AGENDA ITEM # _	
FOR AGENDA OF	March 26, 2002

## CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

		m property taxes under Tigard municipal
code section 3.50 for three non profit for Affordable Housing.	t low income housing projects ow	ned and operated by Community Partners
PREPARED BY: Craig Prosser	DEPT HEAD OK	CITY MGR OK
	ISSUE BEFORE THE COUNC	<u>CIL</u>
Shall three low-income housing project be exempted from City of Tigard prop	± • • • • • • • • • • • • • • • • • • •	mmunity Partners for Affordable Housing
	STAFF RECOMMENDATIO	<u>N</u>
Staff recommends approval of this re-	solution.	
	INFORMATION SUMMARY	<u>Y</u>
		ow income housing to be exempted from a demonstration of compliance with certain
located at 11875 SW 91 <sup>st</sup> Avenue in 7 Ct. in Tigard, and it is developing a le Washington Square. These projects a	Figard. CPAH also owns a single ow-income housing project on SW are or will be operated as low-incomitted an application for exemption	es Greenburg Oaks (formerly Villa La Paz), e family home located at 9330 SW Tangela V Hall Blvd. to be known as the Village at some housing and meet all criteria listed in on from 2002 property taxes on March 1, in in 2001.
	tions accounting for 51% (or more	x abatement. Under state law, CPAH must e) of the total property taxes to be levied on nits.
<u>O7</u>	THER ALTERNATIVES CONSI	DERED
Do not approve this tax exemption		
VISION TASK FO	PRCE GOAL AND ACTION CON	MMITTEE STRATEGY

## ATTACHMENT LIST

## Resolution

Letter of application and back-up materials from CPAH.

## **FISCAL NOTES**

The estimated assessed value of the three properties and the estimated impact of an exemption from City of Tigard property taxes are shown below.

	Estimated	City of Tigard	City of Tigard
Property	Assessed Value*	Tax Rate	Property Tax Impact
Village at Washington Square	\$188,239	\$2.51/\$1,000	\$472
Single family home	\$151,977	\$2.51/\$1,000	\$381
9330 SW Tangela Ct.			
Villa La Paz	\$3,732,788	\$2.51/\$1,000	\$9,369
Total Impact			\$10,222

<sup>\*</sup> Because these properties have been exempted from property taxation in the past, Washington County does not show a current assessed value. This figure is an estimated value based on data from the County and CPAH.

## CITY OF TIGARD, OREGON

## RESOLUTION NO. 02-

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING.

WHEREAS, Tigard Municipal Code section 3.50 provides procedures for application and consideration of non profit corporation low income housing projects exemption from property taxes, and,

WHEREAS, the code requires applications for exemption be filed with the City by March 1 and to be processed by the City within 30 days, and

WHEREAS, Community Partners for Affordable Housing, a qualified Non Profit Corporation, filed a request dated March 1, 2002 for exemption from property taxes under TMC section 3.50 for three low income housing projects and meets all applicable criteria for exemption.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The applicant, Community Partners for Affordable Housing, qualifies for the exemption set forth in Tigard Municipal Code section 3.50

forth in Tigard Municipal Code section 3.50.

SECTION 2: The Finance Director is directed to certify to the Assessor of Washington County that the City of Tigard agrees to the abatement of property taxes for the following three properties:

- a. Village at Washington Square, 11157 11163 SW Hall Blvd., Tigard
- b. Single family home located at 9330 SW Tangela Ct., Tigard
- c. Greenburg Oaks, 11875 SW 91st Ave., Tigard

EFFECTIVE DATE: March 26, 2002

PASSED: This \_\_\_\_\_\_ day of \_\_\_\_\_\_ 2002.

Mayor - City of Tigard

ATTEST:

RESOLUTION NO. 02-\_\_

City Recorder - City of Tigard

Page 1



P.O. Box 23206 • Tigard, OR 97281-3206 Tel: 503-968-2724 • Fax: 503-598-8923 • www.cpahinc.org

March 1, 2002

Mr. Craig Prosser, Finance Director City of Tigard 13125 SW Hall Boulevard Tigard, OR 97223

## Dear Craig:

Enclosed please find applications for tax abatement under Tigard Municipal Code section 3.50 for three properties owned by Community Partners for Affordable Housing, Inc. (Greenburg Oaks, formerly Villa La Paz, Apartments, the single-family Tangela house and the Village at Washington Square). In addition to the applications, I have enclosed a copy of CPAH's 2000-2001 audit.

We greatly appreciate the City's support of affordable housing through its tax abatement program. Feel free to contact me at 503-968-2724 if you have any questions or need additional information. Thank you in advance for your consideration.

Sincerely,

Jill Sherman

Deputy Director, Housing





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## City of Tigard Application for Tax Abatement

## Greenburg Oaks (formerly Villa La Paz) Apartments 11875 SW 91<sup>st</sup> Avenue, Tigard

Α	Property Description
В.	Project's Charitable Purpose
C.	Certification of Resident Income Levels
D.	How Tax Exemption Will Benefit Residents
<b>E.</b>	Tax Exempt Status
	Tax Exempt Status  ification of Information

## **Attachments:**

- CPAH Annual Report 2000-2001
- Community Center Cabinetry Photo
- Resident Income Certification and Profile
- IRS Letter
- Youth IDA Program Fact Sheet

## **A. Property Description**

Greenburg Oaks is located at 11875 SW 91<sup>st</sup> Avenue, just off Greenburg Road and Pacific Highway in Tigard. This 84-unit garden court apartment complex is centrally located, between Washington Square (the County's largest shopping mall) and Tigard's Main Street. The neighborhood is basically residential, although proximate to a variety of commercial and retail employers. Several major bus lines serve the area. Greenburg Oaks consists of 84 units in four buildings: 12 one-bedroom/one-bath 564 square feet units, 60 two-bedroom/one-bath units of 839 square feet, and 12 three-bedroom/one-bath units of 1,007 square feet. The buildings are two and one-half stories above ground (1/2 below grade). All are wood frame, with stucco and concrete exteriors with pitched, composition shingle roofs, built around 1970. Forty-two of the units have fireplaces. CPAH added a new community facility in the center of the complex which houses a computer center, library, multipurpose room and property management office.

The total site contains 3.01 acres and is built at a density of 28 units per acre, an allowable non-conforming use. There are 64 carports and a total of 142 parking spaces (ratio of 1.7 spaces per unit). The 1995 assessed value was \$2,471,890, and 1995-96 property taxes levied were \$33,874. According to Washington County's Assessor, the 1999 assessed market value of improvements: \$2,744,030 and of land: \$672,000.

**Legal Description**: The site is located in the southeast ¼ of Section 35, Township 1 South, Range 1 West (Willamette Meridian).

Tax Lot: The Washington County Map shows the site as tax lot 23-74-2000, Parcels I, II, and III.

## **B. Project's Charitable Purpose**

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

Greenburg Oaks was CPAH's first housing development project. Our acquisition and renovation of the complex ensured that the 84-units were brought up to and maintained in accordance with current health and life safety codes, and are affordable to low- and moderate-income residents on a permanent basis (CPAH has committed to 40 years of affordability for those at 50 and 60% of median income; in reality average resident incomes are around 30% of median income, see attached resident profile).

Partnerships with Tigard's Police Department and Tualatin Valley Fire & Rescue have enhanced the safety and quality of life for residents. Partnerships with Community Action Organization/Neighborshare and Portland General Electric for significant weatherization improvements have resulted in reduced utility bills for families residing in the complex. CPAH works closely with Neighborshare, which provides information and referral as well as emergency services like food box, rent and utility assistance to qualified residents, based on resources available. CPAH partners with social service programs such as HopeSpring (a partnership of Lutheran Family Services, Tualatin Valley Centers and Community Action Organization-CAO) and SAFAH (CAO program) that provide ongoing case management to help families achieve self-sufficiency.

Greenburg Oaks is located within a census tract which has a higher than average concentration of low-income rental households (median income \$25,843 vs. \$35,669 citywide in 1990). The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population base, it is home to nearly 16% of the city's minority households.

The Community Center at Greenburg Oaks is the focal point of the support, skill building and community building activities that CPAH offers through its resident services program. CPAH's on-site computer learning center currently offers six personal computers with CD-ROM drives, a networked printer and high-speed Internet access for use by residents. A recent grant allowed us to purchase additional technology resources for residents including a scanner, digital camera, and web design and desktop publishing software. The computer center is used by youth for homework, research, e-mail and educational games and by adults for job search activities and Internet access. The Tigard Library has twice obtained grant resources to purchase children's material for our on-site library. This fall, we received a grant to install built-in cabinetry in the community and computer center. The new cabinetry greatly enhances the attractiveness and efficient use of the space (see attached new cabinetry photo).

CPAH also offers an Individual Development Account Program to residents. The program includes extensive financial literacy training and matched savings accounts. The savings can be used for either home ownership or higher education. In February 2002, CPAH kicked off an Individual Development Account Program for youth. Youth participants take part in financial literacy training activities and community service and receive matched savings that can be invested in an item of their choice that is academic, athletic or artistic (see attached fact sheet).

## C. Certification of Resident Income Levels

Resident income levels are verified upon application. As of May 2001, the average income of households is \$18,000 (see attached resident profile). Households may remain in their units as long as they income qualify at entry. Rents differ by unit size and income target, but most are in the \$400-600 range, well below the market for the area. Resident income is recertified on a yearly basis (see attached resident income certification).

## D. How Tax Exemption Will Benefit Residents

Our financial analysis for the Greenburg Oaks project assumed property taxes at zero. This results in a direct reduction in rents of approximately \$35,000/84 units = \$416 annually per unit. Thus, tax abatement offers a direct benefit to residents who pay lower rents. Additionally, tax abatement is key to the long-term sustainability of a project operating with such low rents.

We continue to make capital improvements at the property, and spent over \$25,000 in 2001, primarily on interior replacements such as appliances and flooring. During our first years of operation, we made a significant investment to address exterior water penetration into the sub-grade units and though many issues were resolved, a few trouble spots still exist. We expect to make additional capital expenditures in the near future to solve these problems for the long-term.

Over the past year, we have struggled with declining management performance at the site level. As a result of turnover of the onsite and site supervisory staff, the management company was no longer

performing as they had been previously. As a result, the financial performance of the property (which even under excellent management poses a significant challenge) has suffered. CPAH recognizes that it is fully our responsibility to oversee the management agent, and to that end we are working diligently to improve our asset management practices and compliance systems. We are being assisted by several entities with considerable experience in this effort, including the Housing Development Center in Portland, as well as other local and national intermediaries who work with community development corporations like CPAH. We changed management companies in January 2002 and are in the process of implementing a detailed plan of action which will result in enhanced financial performance at Greenburg Oaks.

## E. Tax Exempt Status

CPAH is the general partner of the Villa La Paz Limited Partnership, a single asset nonprofit corporation established for the purpose of acquiring the apartments and qualifying for low-income housing tax credits. CPAH's IRS Determination Letter is attached. CPAH undergoes a full audit of its books annually, as does Greenburg Oaks. Mark Schwing of Markusen & Schwing provides audit services for CPAH and the Villa La Paz Limited Partnership. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development both audit the project annually, visiting 50-100% of the 84 units.

## **Verification of Information**

As CPAH's executive director, I hereby certify that the information in this application for tax abatement is accurate and complete as of this date, to the best of my knowledge. Income Property Management provides day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines. If additional information is desired on any aspect of this application, please do not hesitate to call. Thank you in advance for your consideration.

Shcila Greenlaw-Fink, CPAH Executive Director

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February 28, 2002



## 2000-2001 Annual Report

Village at Washington Square

July 1, 2000 - June 30, 2001

CPAH's mission is to promote a healthy community through the development of permanent affordable housing, sustainable economic growth, and community-based partnerships. We accomplish our mission through work in the following five areas: affordable housing development, outreach and education on affordable housing issues, promotion of policy incentives which support affordable housing, partnerships with individuals and groups in our community, and increased internal organizational capacity.

Accomplishments: 2000-2001

## Housing Development

- ✓ CPAH continued work on the Village at Washington Square, closed loans and partner agreement to get ready for construction start. CPAH worked with the development team to incorporate a number of "green building" strategies in the development.
- ✓ Metzger Park Apartments was resided with hardi-plank, and upper decks were reinforced and repaired. Planning began for other work such as repaving and other common area improvements including landscaping and a new play structure.
- ✓ Capital improvements continued to be implemented at the Greenburg Oaks Apartments, including additional fixtures and furnishings the community space.
- ✓ CPAH began pre-development work on several projects, and considered service area expansion to a portion of Multnomah County along transit corridors out of Tigard.

## Community Outreach/Education

- ✓ CPAH held its third annual HomeWord Bound event. Four well-known Northwest authors joined 200 attendees for dinner at the Sweetbrier Inn in Tualatin, a silent auction, book readings and signings. CPAH held its third annual Dessert Reception to honor volunteers and contributors. These events are an excellent forum for public education.
- ✓ CPAH continued to participate in Tigard and Tualatin Chamber of Commerce events and other community events including the Tigard Balloon Festival, Tigard Blast and Tualatin Crawfish Festival to get the word out about the need for affordable housing. Staff and board members participate on a variety of local task forces and play leadership roles in civic and religious organizations.
- A joint marketing brochure was developed for use by the three community development corporations in Washington County and utilized in a variety of venues.

## Accomplishments: 2000-2001 (continued)

## Affordable Housing Policy Incentives

- ✓ CPAH continued to participate in the Washington County Housing Advocacy Group, which tackles housing issues from a holistic and broad-based perspective. A Portland State University intern was solicited to provide staff assistance, and discussion of how the HOME debt is structured in the County took place.
- ✓ CPAH participated on the Vision West Housing Issue Team, a countywide initiative to bring government, private and nonprofit sectors together to solve issues in creative ways.
- ✓ Prepared an annual request for tax abatement for projects from the City of Tigard, worked on additional incentives such as adoption of numeric targets and fee reductions.

## Community Based Partnerships

- ✓ CPAH hired a VISTA volunteer to work on the second year of an Individual Development Account (IDA)Program. IDA's offer matched savings and financial literacy to assist low income individuals to purchase high return assets like a first home or an education. Fourteen individuals completed training and four had the opportunity to open matched savings accounts.
- ✓ CPAH hired a resident services VISTA to assist with Neighborhood Watch, the Summer Youth Program, the computer centers, and After School Programs.
- ✓ A new Memo of Understanding was signed with Tualatin Valley Centers to assist those in in recovery with affordable rental housing.
- ✓ Enhanced computer technology through a grant from Intel, purchased a digital camera, scanner and other equipment to be utilized by middle and high school residents.

## Organizational Capacity

- ✓ Continued work to improve our financial systems, with assistance from CPA Rob Rambo, based on standards and systems recommended in recent industry benchmarking sessions.
- ✓ The staff and board of directors met for an annual strategic planning session at Portland State University, and established key priorities for the coming years:
  - enhanced asset management capacity, formalization of resident services and volunteer programs, and additional housing development.
- ✓ Added several board members, strengthened our committee structure, and began to work to add an Advisory Council.
- ✓ Upgraded technology regularly, with assistance from volunteer, Rob Cook, who also serves as CPAH's webmaster.

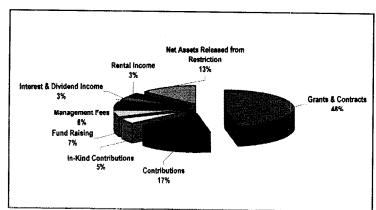


CPAH's strategic planning session, April 2001

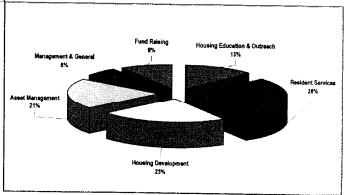
## Statement of Financial Position June 30, 2001

Current (cash & equivalents)	\$ 184,054
Fixed (land, housing, equipment)	\$ 182,172
Other (housing & receivables)	\$ 921,823
TOTAL ASSETS	\$1,288,049
Liabilities & Net Assets	
Current (payables)	\$ 10,517
Long Term	\$ 62,073
TOTAL LIABILITIES	\$ 72,590
Net Assets	
Unrestricted	\$1,040,209
Temporarily Restricted	\$ 175,250
TOTAL NET ASSETS	\$1,215,459
TOTAL LIABILITIES & NET ASSETS	\$1,288,049

## **SOURCES OF REVENUE FOR 2000-2001**

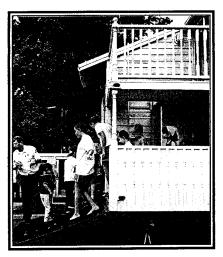


## **EXPENSES BY PROGRAM AREA 2000-2001**



Note: CPAH's expenses for the year were \$227,836.00

Participants of the IDA program completed a 6-week financial literacy course.



Tualatin Valley Fire & Rescue brings its fire prevention program to CPAH properties each summer.

## 

## A Message from the Executive Director & Board of Directors

We are pleased to provide a recap of CPAH's accomplishments for the fiscal year ended June 30, 2001. We finished pre-development work on The Village at Washington Square-CPAH's first new construction project which will bring 26 units of affordable housing online in the spring (2002). The Metzger Park Apartments (32 units) received new siding, and a variety of capital improvements continued to be implemented at the Greenburg Oaks Apartments (84 units). A volunteer team helped complete a new land-scaping plan at our single-family rental home.

We held the most successful Summer Youth Program in our history and began to incorporate off-site enrichment activities to our youth services (field trips to play and learn). Our resident Neighborhood Watch group elected to adopt a portion of Greenburg Road to maintain and we welcomed assistance from over eight corporate or civic volunteer teams and over fifty individuals. We signed new Memorandums of Understanding with partners in the community, and renewed our commitments with existing partners, particularly the Tigard-Tualatin Schools, Tualatin Valley Fire & Rescue, Tigard Police, Community Action Organization/Neighborshare, the Good Neighbor Center, Hope-Spring and Tualatin Valley Housing Partners.

After six years in operation, we have grown from a staff of one to a staff of four, along with two full-time VISTA volunteers; from a board of eight to a board of twelve. CPAH has become a sustainable nonprofit with a solid base of local support and ambitious plans for the future. Our work is extremely difficult but immensely rewarding. In 1949, the U.S. government declared a national goal: a decent home and suitable living environment for every American family. An ambitious goal - and one that eludes achievement - but the one that keeps CPAH focused and moving forward!

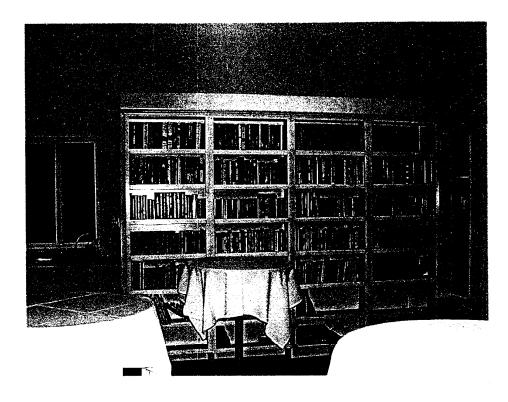


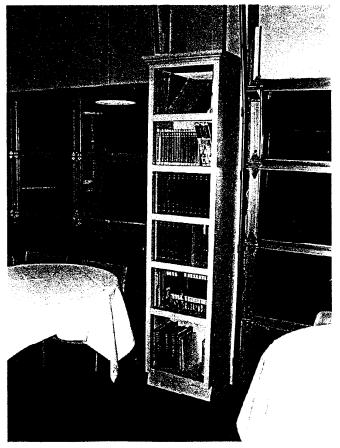
Sheila Greenlaw-Fink, Executive Director



Becky Smith Board Chair

## **Greenburg Oaks Community Center Cabinetry**





					ncome INITIAL	INITIAL	Ī		<u> </u>	NEXT
UNIT#	TYPE	SQUARE FOOT	Rent Basis	MOVE IN	INCOME	TOTAL	RECERT	INITIAL	LAST CERT	RECER
1	2X1	950	0.6	02/10/01	\$ 26,850	\$ 22,923	\$ -	02/10/01	02/10/01	02/10/0
2	2X1	950	60%	08/25/00	\$ 28,980	\$ 17,072	\$ 8,568	08/25/00	08/25/01	08/25/0
3	2X1	950	60%	01/04/00	\$ 28,300	\$ 18,053	\$ 21,720	01/04/00	01/04/01	01/04/0
4	2X1	950	50%	08/03/01	\$ 25,150	\$ 16,120	\$ -	08/03/01	08/03/01	08/03/0
5	2X1	950	60%	05/24/01	\$30,200	\$20,544	N/A	05/24/01	05/24/01	05/24/0
6	2X1	950	50%	08/17/01	\$ 25,150	\$ 24.096	\$	08/17/01	08/17/01	08/17/0
7	2X1	950	50%	03/04/00	\$ 26,200	\$ 25,740	\$ 30,740	03/04/00	03/04/01	03/04/0
8	2X1	950	50%	02/26/98	\$ 22,300	\$ 6,924	\$ 22,258	02/23/98	02/23/01	02/23/0
9	2X1	950	50%	01/17/98	\$ 18,500	\$ 13,520	\$ 21,428	01/17/98	01/17/01	01/17/0
10	2X1	950	50%	01/29/00	\$ 20,950	\$ 19,788	\$ 5,124	01/29/00	04/03/01	01/29/0
11	2X1	950	60%	10/28/00	\$ 25,800	\$ 11,536	\$ -	10/28/00	10/28/00	10/28/0
12	2X1	950	60%	01/27/98	\$ 22,200	\$ 16,968	\$ 17,909	01/27/98	01/27/01	01/27/0
13	2X1	950	50%	12/05/00	\$ 21,500	\$ 19,388	\$ -	12/05/00	12/05/00	12/05/0
14	3X1	1100	60%	12/22/00	\$ 37,380	\$ 16,640	\$ -	12/22/00	12/22/00	12/22/0
15	2X1	950	60%	08/07/98	\$ 26,760	\$ 16,788	\$ 11,342	08/07/98	08/07/01	08/07/0
16	3X1	1100	50%	10/07/99	\$ 20,950	\$ 10,680	\$ 20,406	10/07/99	10/07/01	10/07/0
17	2X1	950	50%	09/19/01	\$ 25,150	\$ 9,940	\$ -	09/19/01	09/19/01	09/19/0
18	3X1	1100	60%	01/09/99	\$ 32,160	\$ 16,400	\$ 27,040	01/09/99	01/09/01	01/09/0
19	2X1	950	50%	08/09/01	\$ 30,200	\$ 21,024	\$ -	08/09/01	08/09/01	08/09/0
20	3X1	1100	50%	03/23/98	\$ 28,750	\$ 25,950	\$ 20,600	03/18/98	03/18/01	03/18/02
21	2X1	950	50%	08/31/01	\$ 27,950	\$ 25,480	\$ -	08/31/01	08/31/01	08/31/0
22	3X1	1100	50%	03/17/98	\$ 24,800	\$ 17,680	\$ 14,560	03/12/98	03/17/01	03/17/0
23	2X1	950	60%							
24 25	3X1	1100	60%	08/16/01	\$ 27,950	\$ 26,124	\$ -	08/16/01	08/16/01	08/16/02
26	1X1 1X1	760 760	60%	11/28/00	\$ 25,800	\$ 19,164	\$ -	11/28/00	11/28/00	11/28/01
27	1X1		50%							
28	1X1	760	50%	40/44/00	2 00 000					
29	1X1	760 760	60%	10/14/98	\$ 20,820	\$ 20,030	\$ 30,180	10/14/98	10/14/00	10/14/01
30	1X1	760	50% 50%	09/18/01	\$ 22,350	\$ 7,020	\$ -	09/18/01	09/18/01	09/18/02
31	1X1	760	60%	12/27/00 04/27/01	\$ 21,500	\$ 17,077	\$ -	12/27/00	12/27/00	12/27/01
32	1X1	760	50%	02/01/01	\$ 26,820 \$ 18.800	\$ 19,043	N/A	04/27/01	04/27/01	04/27/02
33	1X1	760	50%	10/01/01		\$ 15,393	\$ -	02/01/01	02/01/01	02/01/02
34	1X1	760	60%	06/01/00	\$ 25,150 \$ 22,600	\$ 11,860	\$ -	10/01/01	10/01/01	10/01/02
35	1X1	760	60%	12/01/00	\$ 22,560	\$ 3,648 \$ 22,474	\$ -	06/01/00	06/01/00	06/01/01
36	1X1	760	60%	02/22/01	\$ 18,880		\$ - \$ -	12/01/00	12/01/00	12/01/01
37	2X1	950	50%	07/16/97	\$ 23,150	\$ 6,360 \$ 17,160	<del></del>	02/22/01	02/22/01	02/22/02
38	2X1	950	60%	12/15/00	\$25,800	\$16,820	\$ 24,070 \$ -	07/16/97 12/15/00	07/16/01	07/16/02
39	2X1	950	60%	09/08/00	\$ 28,980	\$ 17,240	\$ 6,036	09/08/00	12/15/00	12/15/01
40	2x1	950	60%	05/21/99	\$ 28,300	\$ 22,248	\$ 19.011	05/21/99	09/08/01	09/08/02
41	2X1	950	50%	12/30/99	\$ 20,950	\$ 5,124	\$ 18,924	12/30/99	05/21/01 12/30/00	05/21/02
42	2X1	950	60%	07/01/98	\$ 19,850	\$ 18,720	\$ 28,627	07/01/98	07/01/01	07/01/02
43	2X1	950	60%	05/17/00	\$ 25,800	\$ 23,682	\$ 21,320	05/17/00	05/17/01	05/17/02
44	2X1	950	50%	07/15/97	\$ 16,200	\$ 15,395	\$ 15,570	07/15/97	07/15/01	07/15/02
45	2X1	950	60%	05/14/99	\$ 25,150	\$ 10,300	\$ 22,204	05/14/99	05/14/00	05/14/01
46	2X1	950	50%	04/17/99	\$ 23,600	\$ 22,616	\$ 16,238	04/17/99	04/17/00	04/17/01
47	2X1	950	50%	05/28/98	\$ 19,850	\$ 5,124	\$ 25,316	05/28/98	05/28/01	05/28/02
48	2x1	950	60%				-,			
49	2X1	950	60%	02/05/01	\$ 32,200	\$ 6,036	\$ -	2/5/2001	02/05/01	02/05/02
50	2X1	950	50%	08/24/01	\$ 22,350	\$ 21,764	\$ -	08/24/01	08/24/01	08/24/02
51	2X1	950	60%	09/19/98	\$ 26,760	\$ 20,000	\$ 20,800		09/09/00	09/09/01
52	2X1	950	60%	02/27/99	\$ 25,140	\$ 13,776	\$ 6,372	02/27/99	02/27/01	02/27/02
53	2X1	950	50%							
54	2X1	950	50%	10/08/01	\$ 22,350	\$ 21,660	\$ -	10/08/01	10/08/01	10/08/02

UNIT #	TYPE	SQUARE FOOT	Rent Basis	MOVE IN DATE	۱ħ	NITIAL ICOME LIMIT	-	NITIAL FOTAL ICOME	ECERT	INITIAL CERT	LAST CERT	NEXT RECERT DUE
55	2X1	950	50%	04/10/99	\$	23,600	\$	9,453	\$ 13,645	04/10/99	04/01/01	04/01/02
56	2X1	950	60%	08/12/00	\$	21,500	\$	20,800	\$ -	08/12/00	08/12/00	08/12/01
57	2X1	950	50%	12/01/98	\$	19,850	\$	15,070	\$ 8,918	12/01/98	12/01/00	12/01/01
58	2X1	950	50%	05/12/99	\$	25,150	\$	10,948	\$ 9,100	05/12/99	05/12/01	05/12/02
59	2X1	950	60%	07/13/94	\$	25,020	\$	23,657	\$ 31,239	08/08/97	08/08/01	08/08/02
60	2X1	950	50%	04/10/98	\$	22,300	\$	6,036	\$ 20,280	04/09/98	04/09/01	04/09/02
61	2X1	950	50%	07/13/97	\$	20,850	\$	12,220	\$ 8,604	07/13/97	07/13/01	07/13/02
62	3X1	1100	60%									
63	2X1	950	50%	09/14/01	\$	19,550	\$	6,620	\$ 	09/14/01	09/14/01	09/14/02
64	3X1	1100	50%	10/02/01	\$	27,950	\$	19,556	\$ -	10/01/01	10/02/01	10/02/02
65	2X1	950	60%	05/01/00	\$	28,980	\$	16,341	\$ -	05/01/00	05/01/00	05/01/01
66	3X1	1100	50%	05/29/98	\$	22,300	\$	9,528	\$ 22,320	05/28/98	05/29/01	05/28/02
67	2X1	950	50%	08/31/01	\$	19,550	\$	18,726	\$ -	08/31/01	08/31/01	08/31/02
68	3X1	1100	50%	10/19/1999	\$	26,200	\$	25,033	\$ 27,840	10/19/99	10/19/01	10/19/02
69	2X1	950	60%	04/25/00	\$	25,800	\$	12,684	\$ 	04/25/00	04/25/00	04/01/01
70	3X1	1100	50%	03/01/00	\$	26,200	\$	19,285	\$ 20,720	03/01/00	03/01/01	03/01/02
71	2X1	950	50%	09/24/01	\$	27,950	\$	20,560	\$ -	09/24/01	09/24/01	09/24/02
72	3X1	1100	60%	02/27/99	\$	28,300	\$	21,011	\$ 27,079	02/27/99	.02/27/01	02/27/02
73	2X1	950	60%	10/01/00	\$	28,980	\$	15,600	\$ 5,412	10/01/00	10/01/01	10/01/02
74	2X1	950	60%									
75	2X1	950	60%	10/13/00	\$	32,200	64	31,200	\$ -	10/13/00	10/13/00	10/13/01
76	2X1	950	60%	05/23/01	\$	27,950	\$	22,796	\$ 	05/23/01	05/23/01	05/23/02
77	2X1	950	50%	11/01/97	\$	18,500	\$	17,638	\$ 19,568	11/01/97	11/01/01	11/01/02
78	2X1	950	50%	Employee		N/A		N/A	N/A	N/A	N/A	N/A
79	2X1	950	60%	12/01/98	\$	14,910	\$	22,300	\$ 17,680	12/01/98	12/01/00	12/01/01
80	2X1	950	60%	06/24/98	\$	23,820	\$	6,864	\$ -	06/24/98	12/01/99	06/01/00
81	2X1	950	60%	05/16/01	\$	26,820	\$	25,124	\$ -	05/16/01	05/16/01	05/16/02
82	2X1	950	60%	01/28/99	\$	23,820	\$	18,859	\$ 17,160	01/28/99	01/28/00	01/01/01
83	2X1	950	50%	11/01/97	\$	16,200	\$	3,640	\$ 22,900	11/01/97	04/05/01	11/01/01
84	2X1	950	60%	08/01/00	\$	32,200	\$	19,164	\$ 7,404	08/01/00	08/01/01	08/01/02

## GREENBURG OAKS APARTMENTS Residential Profile

Ethnicity

	30% Mea.		30% Mea.		30% Med.		30% Med.		Journ Med.		20%	weg.	0070	Med.	Sinai	ı ıarge	omer	AAUI	te	DISC	0.34	uisb.	Nat. P	MII.	Mailing	.15U.	rema	10-11/1	36111	013	Diagr	neu
	%	#	%	#	%	#	2-4	5+		#	%	# %	•	# %	# %		# %		#	%	#	%	#	%								
OUMMARY																																
SUMMARY Total # Individuals	29%	57	55%	110	16%	33	146	42	12	145	72%	21 1	0%	34 17%	0	0%	0	0%	149	74%	3	2%	26	13%								
Total # Households	29%	21	49%	-	22%		53	8	12	57	78%		6%	12 16%	<del></del>	0%	0	0%	55	75%		3%		16%								

Based on current occupancy: 73 households, 200 residents (115 are children)

Average household income = \$18,000

84% of the individuals living in the complex have incomes at or below 50% of median 27% of the individuals are minorities; 75% of the households are headed by women

Income

Note: Because of rounding, and because households may identify as more than one ethnicity, totals and/or percentages will occasionally not add to 100%.

Family type

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201

Date:

MAR | 1 1899

COMMUNITY PARTNERS FOR AFFORDABLE HOUSING
PO BOX 23206
TIGARD, OR 97281-3206

Employer Identification Number:
93-1155559
DLN:
17053030720009
Contact Person:
THOMAS E O'BRIEN ID# 31187
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
February 1995
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

District Director

. Askley Ballad

PO Box 23206 • Tigard OR 97281-3206 • Tel: 503,968,2724 • Fax: 503,598,8923 •www.cpahinc.org • info@cpahinc.org

### YOUTH IDA (YIDA) PROGRAM (Beginning January 2002)

CPAH's mission is to promote a healthy community through the development of permanent affordable housing, sustainable economic growth, and community-based partnerships.

Complementing the youth programs already in existence through Resident Services and the adult WIDA program, the youth IDA program is part of a new and innovative approach to combating poverty that focuses not just on meeting the most immediate needs of youth from low-income families, but also on the long-term benefits of giving youth opportunities for their future similar to those given to youth of middle and upper class families. It works to cultivate sustainable economic growth for these youth as they mature into adults.

### Goals of Youth IDA Program

- To empower youth to set goals and take personal responsibility at home and at school.
- To learn about money management.
- To remove financial barriers to academic, athletic, and artistic activities for youth whose families have limited incomes.
- To engage youth in community service activities that benefit the community and build self-esteem.
- To empower youth to see that it is possible to move out of poverty.

### What are Youth Individual Development Accounts?

YIDAs are matched saving accounts designed to help youth from low-income families save for assets that are educational, artistic, or athletic. Examples of permissible assets include, a computer, class at the Portland Children's Theatre, sports fees and equipment, or a musical instrument. For every dollar a participant saves, they receive two dollars in matched savings funds.

### Financial Literacy Training

The financial literacy component of the YIDA program consists of bi-monthly money management classes throughout the duration of participation in the program. These classes are designed specifically for youth with low-incomes and are taught in an informal way that includes topical discussions and money management games. Topics of the classes include: history of money and banking, setting financial goals, budgeting and saving, advertising, and credit.

### **Community Service**

In addition to saving earned money and depositing it into their accounts, participants can initiate and participate in community service at area organizations to receive match money. This is ideal for youth who have no work history or concept of work in that it provides a way for youth to

"work." Not only does the community service element provide a foundational understanding of work, it fosters a commitment to community service and helps youth gain a wider perspective of the community around them. This broader perspective could lead to increased interest and achievement in school.

### **Community Need**

In Washington County, approximately 4,668 youth aged 10-17 live in poverty (9.3 percent). One-third of all Oregon high school students fail to earn a high-school diploma, putting our state dropout rate in the bottom twenty percent nationally. Families with limited incomes face financial barriers in providing academic and other opportunities for their children. Budget cuts in public schools are resulting in fees for extracurricular activities. Programs outside the schools, such as summer camps, art, drama, and music classes, are often financially out of reach. These financial barriers make it difficult for youth from lower-income families to participate in programs that develop skills, build confidence, and bolster achievement in school.

For more information about the YIDA program contact:

Shannon Beck, IDA VISTA Program Coordinator 503.443.2117 or email at cpah.ida@verizon.net





PO Box 23206 • Tigard OR 97281-3206 • Tel:503.968.2724 • Fax:503.598.8923 • www.cpahinc.org • info@cpahinc.org

## City of Tigard Application for Tax Abatement

### Village at Washington Square 11157-11163 SW Hall Boulevard, Tigard

/eri	fication of Information
<b>.</b>	Tax Exempt Status
D.	How Tax Exemption Will Benefit Residents
C.	Certification of Resident Income Levels
В.	Project's Charitable Purpose
A.	Property Description

#### **Attachments:**

- CPAH Annual Report 2000-2001
- Construction Photos
- Marketing Flyer
- Project Rent Schedule
- IRS Letter

95,000 1998

### **A. Property Description**

Village at Washington Square is located at 11157-11163 SW Hall Boulevard, between SW Spruce and SW Pfaffle in Tigard. The Village at Washington Square is CPAH's first new construction project. Construction began in August 2001 and construction completion is scheduled for the end of April 2002 (see construction photos and marketing flyer). The site is located within the Washington Square Regional Center and is proximate to many employment opportunities as well as public transportation and other services. The neighborhood has a combination of single-family and multi-family dwellings. The Village at Washington Square includes three residential buildings with a total of 26 dwelling units, and a community building all arranged around a central courtyard/play yard. The development includes one studio, seven one-bedroom, five two-bedroom, seven three-bedroom and six four-bedroom units. Eleven of the units will be traditional apartments, while the other 15 will be townhouse style units with entrances on the second floor. The development will include 31 parking spaces. The development will include a small green space with benches, a path and a butterfly garden.

The total site contains .84 acres (Lot 1 is .73 acres and Lot 2 is .11 acres). The site was up-zoned to R-40. The pre-construction assessed value was \$177,530 (\$77,600 for Lot 1 and \$99,930 for Lot 2) and 2000-2001 property taxes levied were \$2,732 (\$1,194 for Lot 1 and \$1,538 for Lot 2).

**Legal Description**: Partition Plat 1998-038, Lot 1 and Partition Plat 1998-038, Lot 2 in the City of Tigard, County of Washington, State of Oregon

Tax Lot: 1S135DA (04600 & 04700)

### **B. Project's Charitable Purpose**

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

The Village at Washington Square will be the first **addition** of affordable units to the Tigard housing stock in a decade. The 26 units will be affordable to very low-, low- and moderate-income residents on a permanent basis (The Village at Washington Square will provide affordable housing for a minimum of sixty (60) years, with maximum rents regulated by covenants on the property). Rents will be affordable to households at 30%, 45% and 50% of area median income and significantly below market rents. Half of the units will be three and four bedroom units and will allow us to serve large low-income families who have often been unable to find larger, affordable units in Tigard.

CPAH will expand its community partnerships (with Tigard Police, Tigard Library and Tigard-Tualatin School District) and resident services program to the Village at Washington Square. Apartments at the Village at Washington Square will be made available to participants in the Hopespring and SAFAH programs (self-sufficiency programs for families in recovery or escaping domestic violence) and clients of Tualatin Valley Centers (for individuals in recovery).

The Community Center will be the focal point of the support, skill building and community building activities offered to residents and will include small computer center. Youth programs will include homework mentoring, access to computers and high speed Internet, after-school crafts and story hours, an eleven week Summer Youth Program and a Youth Individual Development

Account Program (financial literacy training and matched savings so youth can invest in a item of their choice that is academic, athletic or artistic). Adult programs will include Neighborhood Watch, GED tutoring, access to computers and high speed Internet, job search mentoring and an Individual Development Account program (a financial literacy and matched savings program to help low-income families to invest in a home or in education).

The Village at Washington Square is located within a census tract (309) which has a higher than average concentration of low-income rental households (median income \$25,843 vs. \$35,669 citywide in 1990). The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population base, it is home to nearly 16% of the city's minority households.

### C. Certification of Resident Income Levels

Resident income levels will be verified upon application. Residents may remain in their units as long as they income qualify at entry. Rents will vary based on unit size and income targeted (see attached rent schedule), but most will be in the \$300-600 range, **well** below the market for the area. Resident income will be certified on an annual basis.

### D. How Tax Exemption Will Benefit Residents

Our financial analysis for the Village at Washington Square assumed property taxes at zero. For both the initial development, and long-term operations of the project, full tax abatement is essential. A rough estimate of property taxes based on the cost of the project plus the cost of the land is \$55,000. This results in a direct reduction in rents of approximately (\$2115 per unit per year, or increased rents of \$176 per unit per month). Thus, tax abatement offers a direct benefit to residents who will pay dramatically lower rents. Tax abatement is key to the long-term sustainability of a project operating with such low rents. Rents at these levels are the only option for families working in the surrounding retail, service sector and light industrial settings.

### E. Tax Exempt Status

CPAII is the general partner of the Village at Washington Square Limited Partnership, a single asset nonprofit corporation. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as will the Village at Washington Square. Mark Schwing of Markusen & Schwing in Beaverton provides audit services for CPAH. Blume, Loveridge & Co. provides audit services for the Village at Washington Square Limited Partnership. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development both will audit the project annually, visiting 50-100% of the 26 units. The tax credit investor (Limited Partner) also monitors the project on a monthly basis and visits on at least an annual basis.

### **Verification of Information**

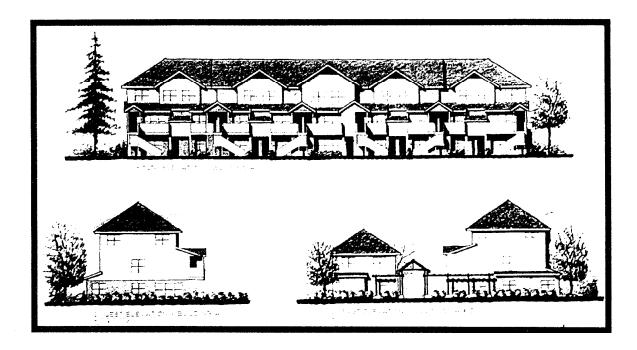
As CPAH's executive director, I hereby certify that the information in this application for tax abatement is accurate and complete as of this date, to the best of my knowledge. Income Property Management will provide the day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines. If additional information is desired on any aspect of this application, please do not hesitate to call. Thank you in advance for your consideration.

Sheila Greenlaw-Fink, CPAH Executive Director

February 28, 2002

### Village at Washington Square Apartments

11163 SW Hall Blvd • Tigard • (503) 639-6514



# Brand New Now Leasing! Move-in May 2002

Energy Efficient Studios, 1, 2, 3 & 4 Bedrooms

Affordable rents from \$260-\$740

**Income limits apply** 

### **Amenities include:**

- Open, spacious floor plans
- W/D in all 3 & 4 Bedroom units
- Patio or balcony with storage room for every unit
- Beautifully landscaped with butterfly garden & play area
- Community center with computers
- Environmentally friendly construction
- Great neighborhood conveniently located near schools, parks and shopping
- Four bus lines within walking distance



Owned by Community Partners for Affordable Housing, Inc., a Tigard-based nonprofit corporation dedicated to the production and preservation of affordable housing. Professionally managed by Income Property Management.

### **VILLAGE AT WASHINGTON SQUARE RENT SCHEDULE**

Unit Type	# of Units	Rent	% of MFI
Studio	1	267	30%
1 BR/ 1 BA	2	299	30%
1 BR/ 1 BA	5	528	50%
2 BR/ 1 BA	5	526	45%
3 BR/ 11/2 BA	1	380	30%
3 BR/ 11/2 BA	1	527	40%
3 BR/ 1 1/2 BA	5	675	50%
4 BR/2 BA	0	428	30%
4 BR/2 BA	3	594	40%
4 BR/2 BA	3	759	50%

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201

Date:

MAR | 1 1899

COMMUNITY PARTNERS FOR AFFORDABLE HOUSING
PO BOX 23206
TIGARD, OR 97281-3206

Employer Identification Number:
93-115559
DLN:
17053030720009
Contact Person:
THOMAS E O'BRIEN ID# 31187
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
February 1995
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

District Director



FOR AFFORDABLE HOUSING, INC.



PO Box 23206 • Tigard OR 97281-3206 • Tel:503.968.2724 • Fax:503.598.8923 • www.cpahinc.org • info@cpahinc.org

# City of Tigard Application for Tax Abatement

## Tangela Single Family Rental Home 9330 SW Tangela

A.	Property Description
L	ready 2000/iption
B.	Project's Charitable Purpose
C.	Certification of Resident Income Levels
D.	How Tax Exemption Will Benefit Residents
E.	Tax Exempt Status
Veri	fication of Information
 Atta	ichments:

- CPAH Annual Report 2000-2001
- IRS Letter

\$ 145. 170,95 ky, 24, 24 W

\$172,540 Market 1983 1976 Sq. Ft.

#### A. Property Description

Community Partners for Affordable Housing, Inc. acquired the single family "Tangela House" at 9330 SW Tangela in Tigard, on December 31, 1999, with assistance from the Washington County CDBG program and a loan from Washington Mutual Savings Bank. It is located just two blocks from CPAH's largest multifamily project, Greenburg Oaks (formerly Villa La Paz). It is on a quiet cul-de-sac in largely single-family residential neighborhood, off Greenburg Road.

The total site is 5,450 square feet and is zoned R-7 residential. The two-story structure is 1,916 square feet in size. CPAH converted an upstairs bonus room into an additional bedroom and completed other necessary repairs after initial acquisition.

Legal Description: Barbee Court, Lot 1, Tigard, County of Washington, State of Oregon.

Tax Lot: 1S135DC-05300.

### **B. Project's Charitable Purpose**

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

CPAH acquired the four-bedroom single family home in order to assist the County and the Good Neighbor Center Shelter in meeting a "replacement unit" requirement triggered by the Uniform Relocation Act when the shelter acquired its current site and demolished a single family home housing a low-income family. CPAH completed needed repairs and upgraded the home to a five-bedroom, in order to provide a rare opportunity in our community—an affordable single-family rental for a very large family.

The home is proximate to CPAH's Greenburg Oaks property, where management and resident services are available. The residents of this home are very low-income and eligible for services CPAH offers and coordinates. These services include a computer center, community room, neighborhood watch, Individual Development Account and other programs. The resident services coordinator personally visits the home on a regular basis to ensure that the property is well maintained and to develop an ongoing relationship with the residents.

The home is located within a census tract (309) which has a higher than average concentration of low-income rental households (median income \$25,843 vs. \$35,669 citywide in 1990). The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population base, it is home to nearly 16% of the city's minority households.

#### C. Certification of Resident Income Levels

Resident income level is verified upon application, and must be less than 60% of the area's median income. Rent for this home has been set at \$950, well below that set by HUD's Fair Market Rent schedule for a five bedroom (\$1296). HUD's Fair Market Rents are significantly lower than the average rents in a given area, but indicate the maximum rent an individual with

Section 8 rental assistance may choose under the program. Income is recertified on an annual basis.

### D. How Tax Exemption Will Benefit Residents

Taxes for the year 2000-2001 were \$2,100, or \$175 per month. We developed our initial proforma with debt service coverage at 1.15 showing full tax abatement, and rent of \$850. We rented the home for \$950, and did not file a tax abatement application in the first year we operated it. Because if was our first single family home, we wanted to ensure that our operating budget performed as assumed. We commissioned a thorough inspection survey prior to purchase, and offered a reduced price in order to make additional safety repairs.

During the first year of operation, we have replaced the hot water heater and furnace components, as well as completing roof repairs. A volunteer group completed an upgrade to the landscaping in summer 2001 as part of Washington County Clean and Green. Plans to paint home through a volunteer team in spring 2001 fell through and we working on soliciting a team for spring/summer 2002. Without tax abatement, we would need to implement a rent increase of \$175 monthly (based on 2000-2001 property taxes). Thus tax abatement provides a direct benefit to the low-income residents who pay a lower rent.

#### E. Tax Exempt Status

CPAH owns the Tangela property, with Washington County in first position and Washington Mutual in second on the outstanding debt. CPAH is a nonprofit 501(c)(3) organization, which is audited annually by Mark Schwing of Markusen and Schwing. In completing CPAH's audits, Mark reviews all aspects of compliance under the County grant and Washington Mutual loan documents.

#### **Verification of Information**

As CPAH's deputy director, I hereby certify that the information in this application for tax abatement is accurate and complete as of this date, to the best of my knowledge. Income Property Management provides the day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines. If additional information is desired on any aspect of this application, please do not hesitate to call. Thank you in advance for your consideration.

Jill Sherman, CPAH Deputy Director

February 28, 2002

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201

Date:

### MAR 1 1 1888

COMMUNITY PARTNERS FOR AFFORDABLE PO BOX 23206 TIGARD, OR 97281-3206

Employer Identification Number: DLN:

17053030720009 Contact Person: THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:

(877) 829-5500 Our Letter Dated: February 1995 Addendum Applies:

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

C. Adley Belland District Director

### COMMUNITY PARTNERS FOR AFFORDABLE HOUSING, INC.

FINANCIAL STATEMENTS WITH INDEPENDENT AUDITORS' REPORT

> Year Ended June 30, 2001 With Comparative Totals For 2000

# Community Partners for Affordable Housing, Inc. Audited Financial Statements Year Ended June 30, 2001 With Comparative Totals for 2000

### **CONTENTS**

Independent Auditors' Report	1
Financial Statements	
Statements of Financial Position.	2
Statement of Activities	3
Statement of Functional Expense	4
Statements of Cash Flows	5
Notes to Financial Statements	6 1 1



### **INDEPENDENT AUDITORS' REPORT**

September 4, 2001

Board of Directors Community Partners for Affordable Housing, Inc. Tigard, Oregon

We have audited the accompanying statements of financial position of Community Partners for Affordable Housing, Inc. (CPAH) (a non-profit Corporation) as of June 30, 2001 and the related statements of activities, functional expense and of cash flows for the year then ended. These financial statements are the responsibility of CPAH's management. Our responsibility is to express an opinion on these financial statements based on our audit. The prior year summarized comparative information has been derived from CPAH's 2000 financial statements and, in our report dated December 20, 2000, we expressed an unqualified opinion on those financial statements.

We conducted our audit in accordance with generally accepted auditing standards in the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Community Partners for Affordable Housing, Inc. at June 30, 2001, and the changes in its net assets and its cash flows for the year then ended, in conformity with generally accepted accounting principles in the United States.

Markusen & Schwing

Markusen & Schu

### Community Partners for Affordable Housing, Inc. Statements of Financial Position June 30, 2001 and 2000

### **ASSETS**

RODETO				
		2001		2000
Current Assets				
Cash	<b>\$</b> ′	106,280	\$	56,559
Cash, Tenant Security Deposits		950		950
Investments		13,002		16,211
Accounts Receivable, Grants		56,125		103,075
Accounts Receivable, Other		6,717		-
Prepaid Expense		980		
Total Current Assets		184,054		176,795
Fixed Assets				
Land		49,000		49,000
Low-Income Housing		130,689		130,689
Furniture and Equipment		27,389		23,239
	<del></del>	207,078		202,928
Less Accumulated Depreciation		24,906		12,705
		182,172		190,223
Other Assets			<del></del>	
Low Income Housing Limited Partnerships				
Predevelopment Costs - Washington Square		131,449		40,153
Investment		419,237		419,333
Notes and accrued interest receivable		335,538		284,559
Account Receivable, asset management fee		35,599		27,280
\$		921,823		771,325
Total Assets	\$ 1	,288,049	\$	1,138,343
LIABILITIES AND NET ASS	ETTC			
Current Liabilities	EIS			
Accounts Payable	\$	1 220	æ	
Current Portion of Long-Term Debt	Ф	1,220	\$	-
Accrued Payroll and Taxes		637		590
Tenant Security Deposits		2,280		12,770
Accrued Retirement Plan		950		950
Total Current Liabilities		5,430		19,816
Tom Caron Daointos		10,517		34,126
Long-Term Debt, less Curent Portion		62,073		62,710
Total Liabilities		72,590		96,836
Net Assets				
Unrestricted		040.000		0.60.000
Temporarily Restricted	i	,040,209		863,332
Total Net Assets		175,250		178,175
Total Liabilities and Net Assets		,215,459		1,041,507
Total Liabilities and Net Assets	<del>2</del> 1	,288,049	\$	1,138,343
See notes to financial statements				

### Community Partners for Affordable Housing, Inc. Statement of Activities Year Ended June 30, 2001

Revenue and Support	Unrestricted	Temporarily Restricted	Totals
Grants and Contracts	<b>0</b> 101 550	,	
Contributions	\$ 191,720	\$ 50,250	\$ 241,970
In-Kind Contributions	70,601	-	70,601
Fund Raising	18,650	-	18,650
	26,813	-	26,813
Management Fees	22,914	-	22,914
Unrealized Investment Losses	(3,209)	-	(3,209)
Interest and Dividend Income	13,038	-	13,038
Rental Income	11,565	-	11,565
Other Revenue (Loss)	(554)	-	(554)
Net Assets Released from Restriction	53,175	(53,175)	-
Total Revenue and Support	404,713	(2,925)	401,788
Expenses			
Programs Services			
Housing Education and Outreach	28,740	-	28,740
Resident Services	64,424	-	64,424
Housing Development	51,596	_	51,596
Asset Management	47,517	_	47,517
Support Services	,		47,517
Management and General	° 13,976	_	13,976
Fundraising	21,583	_	21,583
Total Expense	227,836		
•	227,030		227,836
Change in Net Assets	176,877	(2,925)	173,952
Net Assets, Beginning of Year	863,332	178,175	1,041,507
Net Assets, End of Year	\$1,040,209	\$ 175,250	\$ 1,215,459

See notes to financial statements

#### Community Partners for Affordable Housing Statement of Functional Expense Year Ended June 30, 2001

		PROGRAM SERVICES																		
	Housing Education & Outreach		•		R	esident	ŀ	lousing		Asset			Ma	nagement						Grand
					S	ervices	De	velopment	N	fanagement		Total	&	General	Fu	ndraising		Total		Total
Personnel and Related Expenses	s \$	20,108	\$	44,286	\$	37,590	\$	25,352	\$	127,336	S	8,849	\$	10,370	\$	19,219	s	146,555		
Professional Services		3,246		7,922		4,540		4,629		20,337		2,087		2,206		4,293		24,630		
Occupancy		686		1,085		1,353		800		3,924		374		203		577		4,501		
Postage and Printing		867		2,041		1,482		1,041		5,431		293		563		856		6,287		
Communications		400		1,059		<b>7</b> 95		485		2,739		188		225		413		3,152		
Insurance		168		447		289		450		1,354		78		104		182		1,536		
Supplies		<i>77</i> 9		2,144		1,496		950		5,369		780		439		1,219		6,588		
Dues, Subscriptions and Fees		323		680		414		79		1,496		148		155		303		1,799		
Travel and Training		509		1,211		986		614		3,320		230		297		527		3,847		
Maintenance and Repair		•		-		-		1,449		1,449		•		•		-		1,449		
Utilities		•		•		-		320		320		•		•		-		320		
Property Taxes		-		-		•		700		700		•		-		, -		700		
Other Expenses		398		1,099		238		922		2,657		341		6,467		6,808		9,465		
Interest Expense		-		-		-		4,806		4,806		•				•		4,806		
Degreciation Expense		1,256		2,450		2,413		4,920		11,039		608		554		1,162		12,201		
	s	28,740	s	64,424	\$	51,596	\$	47,517	s	192,277	5	13,976	s	21,583	_\$_	35,559	<u>s</u>	227,836		

See notes to financial statements

### Community Partners for Affordable Housing, Inc. Statements of Cash Flows Years Ended June 30, 2001 and 2000

	2001	2000
Cash Flows from Operating Activities		
Change in Net Assets	\$ 173,952	\$ 155,813
Prior Period Adjustment	- ′	-
Non Cash Items		
In-Kind Contributions-Furniture and Equipment	(4,150)	(1,488)
Depreciation  Partnership I are	12,201	6,757
Partnership Loss Investment Donated	96	57
	2.000	(7,560)
Unrealized Investment Losses	3,209	3,556
Net Change in Operating Assets and Liabilities Accounts Receivable	21.014	• • • • •
	31,914	3,098
Prepaid Expense Accrued Interest Receivable	(980)	(11.070)
	(11,304)	(11,072)
Accounts Payable Accrued Retirement Plan	1,220	10.500
	(14,386)	10,730
Accrued Payroll and Taxes	(10,490)	2,560
Net Cash Provided by Operating Activities	<u>181,282</u>	162,451
Cook Flows from Investing Activities		
Cash Flows from Investing Activities Purchases of Fixed Assets		(117.216)
Predevelopment Costs	(01.207)	(117,315)
Loan to limited partnership	(91,296)	(40,153)
Net Cash (Used) by Investing Activities	(139,675)	(157,460)
Net Cash (Osed) by investing Activities	(130,971)	(157,468)
Cash Flows from Financing Activities		
Payments on Long-Term Debt	(590)	(233)
Net Increase in Cash	49,721	4,750
Cash, Beginning of Year	56,559	51,809
Cash, End of Year	\$ 106,280	\$ 56,559
Cush, Did of You	\$ 100,280	\$ 30,339
Supplemental Disclosures		
Cash Paid During the Year for Interest	\$ 4,806	\$ 2,016
	Ψ 4,000	2,010
Cash Paid During the Year for Income Taxes.	<b>\$</b> -	\$ -
Schedule of Noncash Investing and Financing Transactions		
Purchases of Fixed Assets	\$ 4,150	\$ 182,336
Less:	•	,
Donated	(4,150)	(1,488)
Amount Financed	-	(63,533)
	\$ -	\$117,315

See notes to financial statements

### (1) The Organization and Summary of Significant Accounting Policies

### The Organization

Community Partners for Affordable Housing, Inc. (CPAH) is a nonprofit Corporation, incorporated under the laws of the State of Oregon. CPAH has programs to provide housing, community development and community self-help projects to low and moderate income persons in Washington County.

### **Summary of Significant Accounting Policies**

### **Basis of Accounting**

CPAH follows the accrual basis of accounting applicable to not-for-profit organizations. Under the accrual basis of accounting, revenues and support are recorded as earned and expenses are recorded as incurred. Revenues for services to the public are recognized as services are provided. Support from contributors is recorded as unconditional promises to give are received. For grant and contract supported activities, revenues are recorded as expenses eligible for reimbursement are incurred. When grant and contract payments are received prior to incurring eligible expenses, those amounts are reflected as deferred revenues. CPAH reports gifts of cash and other assets as restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions. CPAH reports all gifts as unrestricted support unless explicit donor stipulations specify how the donated assets must be used. Gifts of long-lived assets with explicit restrictions that specify how the assets are to be used to acquire long-lived assets are reported as restricted support. Absent explicit donor stipulations about how long long-lived assets must be maintained, CPAH reports expirations of donor restrictions when the donated or acquire long-lived assets are purchased.

### (1) The Organization and Summary of Significant Accounting Policies-Continued

#### **Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

### Concentration of Economic Risk

CPAH receives a substantial portion of its support from governmental agencies. If these funds were not available CPAH might have difficulty continuing operations. In the opinion of management, CPAH will continue to receive sufficient funding to assure its existence.

### Cash and Equivalents

Cash and equivalents consist of cash in banks-checking and money market.

### Fair Value of Financial Instruments

CPAH estimates the fair values of its various financial instruments do not differ materially from the aggregate carrying value of its financial instruments recorded in the accompanying Statement of Financial Position.

### Accounts Receivable

Accounts receivable that are uncollectible are charged directly to expense. This method is not materially different in result from the allowance method required by generally accepted accounting principles. In the opinion of management receivables at June 30, 2001 and 2000 are fully collectible.

### **Investments**

Investments in marketable securities are stated on the basis of current quoted market prices. Realized gains and losses are calculated based on the first-in, first-out method. Unrealized gains and losses are also included in the change in net assets

### (1) The Organization and Summary of Significant Accounting Policies-Continued

### **Fixed Assets**

Purchased fixed assets are stated at cost. Donated fixed assets are recorded at their estimated fair value at date of donation. CPAH generally capitalizes expenditures for fixed assets in excess of \$500. Depreciation is provided using the straight-line method over estimated useful lives of four to forty years.

### **Predevelopment Costs**

Predevelopment costs related to the conversion of property at Hall Blvd. into a 26 unit low-income housing project are capitalized in the accompanying Statement of Financial Position as of June 30, 2001. The project is structured as a low-income housing tax credit limited partnership, named the Village at Washington Square limited partnership (see Note 4). CPAH is a .1 percent general partner in the project. Construction commenced during 2001.

### **Compensated Absences**

Compensated absences for vested sick and vacation pay are charged to expense when it is earned by the employee.

### **Donated Services**

Certain individuals, including Board of Directors members, donate substantial time to the operations of CPAH. Statement of Financial Accounting Standards No. 116 significantly limits the amount of donated services that may be recorded in the financial statements. Generally accepted accounting principles require that only donated services that create non-financial assets and which would need to have been purchased if not donated, are reflected in the financial statements. When such amounts are recorded, they are valued at the equivalent market rate at which the service could have been purchased.

### (1) The Organization and Summary of Significant Accounting Policies-Continued

#### **Donated Goods**

Individuals and organizations, from time to time, donate goods to CPAH to benefit clients. CPAH values these based on management's judgment, at fair value at the date of donation, and records the receipt and subsequent disbursement of these goods as in-kind revenues and expenses, respectively. Certain donated rent is recorded as in-kind revenue and expense based on the donor's estimate of the fair value of the rent.

#### **Net Asset Balances**

Net assets are the excess of assets over liabilities. A component of net assets are the investment in fixed assets, which is the cost of fixed assets, less accumulated depreciation and amortization, and less any indebtedness related to their construction or purchase. Certain net asset balances are temporarily restricted.

### **Functional Allocation of Expenses**

The costs of providing the various programs have been summarized in the statement of functional expense. Accordingly, certain costs have been allocated among the programs benefited based on time studies and management judgment.

### **Income Tax Exemption**

CPAH is a tax-exempt corporation within the provisions of Internal Revenue Code Section 501(c)(3) and is not classified as a private foundation. It is management's opinion that none of CPAH's present activities are subject to unrelated business income taxes; therefore, no provisions for income taxes has been made in the accompanying financial statements.

### (2) <u>Investments</u>

Investments for the years ended June 30, 2001 and 2000 consist of the following:

2001 2000

Marketable equity securities

<u>\$13,002</u>

\$16,211

### (3) Accounts Receivable – Grants and Contracts

Accounts receivable for grants and contracts at June 30, 2001 and 2000 consist of the following:

	2001	
Washington County - CHDO	\$20,250	\$ 18,175
HUD-Metzger Park	5,875	14,900
Neighborhood Partnership Fund	30,000	70,000
	<u>\$56,125</u>	<u>\$103,075</u>

### (4) Investment in Low Income Housing Limited Partnerships

CPAH is a .1 percent general partner in both the Villa La Paz Limited Partnership (Villa) and the Village at Washington Square Limited Partnership (Washington Square). Key Bank National Association is the 99.9% limited partner in both partnerships. The partnerships were formed to build and operate housing facilities for low-income individuals in Tigard, Oregon. The limited partner contributed capital in expectation of receiving Low-Income Housing Credits allowed under Section 42 of the Internal Revenue Code.

As the general partner, CPAH is responsible for the operation of the facilities and the management of the partnerships. The partnership agreements require CPAH to assume substantially all risks of operation, and the risks that Low-Income Housing Credits will be of value to the limited partner.

In the event of partnership dissolution, the net assets of the partnership are to be distributed to the partners in accordance with the balances in their partnership accounts.

At any time after the Low Income Housing Tax Credit compliance period, which is 15 years after the building is placed in service, CPAH has the option to purchase the limited partners' interest at the fair market value of such interest.

The investment in Villa and Washington Square are recorded at cost and are adjusted annually to recognize CPAH's share of earnings or losses, in accordance with prevailing practices for similar types of projects. CPAH could be liable for significant payments if the partnerships do not produce financial results as expected, however management does not consider such liabilities to be likely.

### (5) Notes and Accrued Interest Receivable from Low Income Housing Limited Partnership

Notes and accrued interest receivable at June 30, 2001 and 2000 consist of the following:

following:		
	2001	2000_
3%, Notes receivable from Villa La Paz(Villa), limited partnership (See note 4); the note and accrued interest is due December 31, 2013 or upon sale or transfer of the project; the note is secured by a Trust Deed	\$162,300	\$162,300
6%, Note receivable from Villa; related to the development fee; the note and accrued interest shall be paid from net cash flow and/or from the sale or refinancing; the balance including accrued interest is due April 1, 2011; the note is		
unsecured.	103,395	103,395
1%, Note receivable from the Village at Washington Square, limited partnership (See note 4); commencing in 2002 annual payments of interest only at the rate of .5% shall be paid. The remaining interest shall accrue and be payable upon maturity; the note and accrued interest is due January, 2032; the note is secured by a Trust Deed.	39,675	. <del>-</del>
Accrued interest receivable	30,168 \$335,538	18,864 \$284,559

### (6) Long - Term Debt

Long-term debt at June 30, 2001 and 2000 consist of	the following:	
	2001	2000
7.625%, Note payable in monthly		
installments of \$450, including interest;		
secured by trust deed on rental property;		
due January, 2030	\$ 62,710	\$ 63,300
	,,	4 00,500
Less: current portion	637	590
	\$ 62,073	\$ 62,710
Long-term debt at June 30, 2001 matures as follows:		
June 30, 2002	\$ 637	
2003	,	
2004	687	
2004	741	
2007	800	
Z006 Thereafter	863	
Thereafter	<u>58,982</u>	
	<u>\$ 62,710</u>	
(7) Net Assets		
Net assets consist of the following:		
	2001	2000
Unrestricted		
Unreserved – available for operations	\$ 118,386	\$ 92,007
Limited Partnerships	4 110,500	Ψ 72,007
Predevelopment costs	131,449	40,153
Investment	419,237	419,333
Notes and accrued interest	335,538	284,559
Accrued asset management fee	35,599	27,280
<u> </u>	\$1,040,209	\$863,332
	<u> </u>	$\frac{\psi}{U}UJJL$

### (7) Net Assets - Continued

Temporarily Restricted	2001	_2000
Donor imposed restrictions		•
on Grants and Contributions		
Washington County		
CHDO	\$ 20,250	\$ 18,175
CDBG	125,000	125,000
Neighborhood Partnership Fund	30,000	35,000
	<u>\$175,250</u>	\$ 178,175

The Washington County – CHDO and Neighborhood Partnership Fund grants and contributions are restricted to be used for operating expenses in the next fiscal year. The Washington County – CDBG grant entitles the grantor to be refunded the full amount of the award if the property acquired with the grant funds is sold or transferred without the grantor's consent. This restriction terminates December 31, 2009.

### (8) In-Kind Contributions

In-kind contributions for the year ended June 30, 2001 consist of the following:

Professional Services	\$ 10,000
Office Space	4.500
Furniture & Equipment	4,150
	\$ 18,650

### (9) Employee Benefit Plan

CPAH has a tax deferred defined contribution retirement plan under Internal Revenue Code Section 403 (b), for its employees. Employer contributions to the plan for the year ended June 30, 2001 were \$5,430.

### (10) Contingent Liabilities

Grantors may conduct audits of the expenditures of funds under the grant contracts to determine allowability under applicable regulations. In the event unallowable expenditures have been made, a liability for repayment of those funds could exist. However, it is the opinion of management that CPAH has complied with all applicable regulations that have a material effect on the accompanying financial statements.

### (11) Related Party Transactions

During the year ended June 30, 2001 CPAH earned revenue from the Villa La Paz Limited Partnership and the Village at Washington Square Limited Partnership (See note 4) as follows:

Management Fee	\$ 8,434
Interest Income on	,
Notes Receivable	11,305
Partnership loss	\$ (96)
	\$ 19,643